

1 STATE OF SOUTH CAROLINA)

2 COUNTY OF RICHLAND)

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4 JUDICIAL MERIT SELECTION COMMISSION

5 TRANSCRIPT OF PUBLIC HEARINGS

6 * * * * *

7 BEFORE: REPRESENTATIVE ALAN D. CLEMMONS, CHAIRMAN

8 ERIN CRAWFORD, CHIEF COUNSEL

9 SENATOR LARRY A. MARTIN

10 SENATOR GEORGE E. "CHIP" CAMPSER, III

11 REPRESENTATIVE BRUCE W. BANNISTER

12 MS. KRISTIAN BELL

13 MR. ROBERT M. WILCOX

14 SENATOR GERALD MALLOY

15 REPRESENTATIVE DAVID J. MACK, III

16 MICHAEL HITCHCOCK

17 SUSAN T. WALL

18 * * * * *

19 DATE: November 19th, 2015

20 TIME: 9:45 A.M.

21 LOCATION: Blatt Building, Room 516

22 1101 Pendleton Street

23 Columbia, South Carolina 29201

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25 REPORTED BY: PATRICIA G. BACHAND, COURT REPORTER

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12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

PAGE:

THE HONORABLE JAMES EDWARD LOCKEMY..... 13
- Examination by Ms. Crawford..... 17
THE HONORABLE EDGAR WARREN DICKSON..... 30
- Examination by Mr. Pearce..... 33
- Examination by Senator Martin..... 39
THE HONORABLE DIANE SCHAFER GOODSTEIN..... 42
- Examination by Ms. Dean..... 45
THE HONORABLE DOYET A. EARLY, III..... 53
- Examination by Ms. Benson..... 58
- Examination by Senator Martin..... 64
THE HONORABLE RALPH FERRELL COTHRAN, JR..... 67
- Examination by Mr. Davidson..... 69
THE HONORABLE BRIAN M. GIBBONS..... 74
- Examination by Mr. Stimson..... 77
THE HONORABLE FRANK ROBERT ADDY, JR..... 82
- Examination by Mr. Stimson..... 85
- Examination by Senator Martin..... 90
- Examination by Senator Malloy..... 93
THE HONORABLE DAVID GARRISON HILL..... 97
- Examination by Mr. Odom..... 101
THE HONORABLE STEVEN H. JOHN..... 106
- Examination by Ms. Simpson..... 110
- Examination by Senator Martin..... 117

1	- Examination by Mr. Wilcox.....	119
2	- Examination by Representative Bannister.....	121
3	THE HONORABLE JOHN CALVIN HAYES, III.....	124
4	- Examination by Mr. Davidson.....	127
5	- Examination by Senator Martin.....	132
6	THE HONORABLE DANIEL DEWITT HALL.....	134
7	- Examination by Mr. Pearce.....	137
8	- Examination by Ms. Wall.....	140
9	THE HONORABLE WILLIAM J. WYLIE, JR.....	146
10	- Examination by Ms. Simpson.....	148
11	THE HONORABLE NANCY CHAPMAN MCLIN.....	157
12	- Examination by Ms. Anderson.....	160
13	- Examination by Mr. Wilcox.....	166
14	- Examination by Representative Bannister.....	168
15	THE HONORABLE VICKI J. SNELGROVE.....	170
16	- Examination by Ms. Anderson.....	174
17	THE HONORABLE GEORGE MARION MCFADDIN, JR.....	178
18	- Examination by Mr. Pearce.....	181
19	THE HONORABLE CELY ANNE BRIGMAN.....	188
20	- Examination by Ms. Simpson.....	190
21	THE HONORABLE GWENDLYNE YOUNG JONES.....	197
22	- Examination by Ms. Benson.....	199
23	THE HONORABLE USHA J. BRIDGES.....	206
24	- Examination by Mr. Gentry.....	208
25	- Examination by Representative Clemmons.....	216

1	THE HONORABLE DOROTHY MOBLEY JONES.....	218
2	- Examination by Mr. Odom.....	221
3	THE HONORABLE DANIEL E. MARTIN, JR.....	226
4	- Examination by Ms. Dean.....	230
5	- Examination by Representative Mack.....	236
6	THE HONORABLE JACK ALAN LANDIS.....	239
7	- Examination by Mr. Gentry.....	242
8	- Examination by Representative Clemmons.....	248
9	THE HONORABLE KAREN F. BALLENGER.....	250
10	- Examination by Mr. Stimson.....	253
11	THE HONORABLE ALEX KINLAW, JR.....	260
12	- Examination by Mr. Maldonado.....	263
13	THE HONORABLE JERRY DEESE VINSON, JR.....	275
14	- Examination by Mr. Davidson.....	277
15	THE HONORABLE WALTER H. SANDERS, JR.....	284
16	- Examination by Mr. Goldin.....	286
17	MR. MARK MORRIS.....	288
18	- Examination by Representative Clemmons.....	289
19	- Examination by Mr. Goldin.....	291
20	- Examination by Mr. Wilcox.....	293
21	- Examination by Senator Malloy.....	296
22	THE HONORABLE WALTER H. SANDERS, JR.....	299
23	- Examination by Mr. Wilcox.....	301
24	- Examination by Ms. Wall.....	303
25	- Examination by Senator Martin.....	308

1 - Examination by Senator Malloy..... 309
2 - Examination by Mr. Hitchcock..... 317
3 - Re-examination by Senator Malloy..... 319
4 Certificate of Reporter..... 327
5 Word Index

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REQUESTED INFORMATION INDEX

(No Information Requested.)

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EXHIBIT INDEX

EXHIBIT:	PAGE:
EXHIBIT NO. 1.....	15
- PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE JAMES EDWARD LOCKEMY DATED AUGUST 5TH, 2015	
EXHIBIT NO. 2.....	16
- ADDENDUM TO PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE JAMES EDWARD LOCKEMY DATED OCTOBER 27TH, 2015	
EXHIBIT NO. 3.....	17
- SWORN STATEMENT OF THE HONORABLE JAMES EDWARD LOCKEMY DATED AUGUST 5TH, 2015	
EXHIBIT NO. 4.....	31
- PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE EDGAR WARREN DICKSON DATED AUGUST 6TH, 2014	
EXHIBIT NO. 5.....	33

1 - SWORN STATEMENT OF THE HONORABLE EDGAR WARREN
2 DICKSON DATED AUGUST 6TH, 2015
3 EXHIBIT NO. 6..... 46
4 - PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE
5 DIANE SCHAFER GOODSTEIN DATED AUGUST 6TH, 2015
6 EXHIBIT NO. 7..... 46
7 - SWORN STATEMENT OF THE HONORABLE DIANE SCHAFER
8 GOODSTEIN DATED AUGUST 6TH, 2015
9 EXHIBIT NO. 8..... 56
10 - PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE
11 DOYET A. EARLY, III DATED AUGUST 14TH, 2015
12 EXHIBIT NO. 9..... 58
13 - SWORN STATEMENT OF THE HONORABLE DOYET A. EARLY, III
14 DATED AUGUST 14TH, 2015
15 EXHIBIT NO. 10..... 68
16 - PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE RALPH
17 FERRELL COTHRAN JR. DATED JULY 31ST, 2015
18 EXHIBIT NO. 11..... 69
19 - SWORN STATEMENT OF THE HONORABLE RALPH FERRELL
20 COTHRAN, JR. DATED JULY 31ST, 2015
21 EXHIBIT NO. 12..... 75
22 - PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE
23 BRIAN M. GIBBONS DATED AUGUST 5TH, 2014
24 EXHIBIT NO. 13..... 77
25 - SWORN STATEMENT OF THE HONORABLE BRIAN M. GIBBONS

1 DATED AUGUST 3RD, 2015

2 EXHIBIT NO. 14..... 84

3 - PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE

4 FRANK ROBERT ADDY, JR. DATED AUGUST 4TH, 2015

5 EXHIBIT NO. 15..... 84

6 - REQUESTED AMENDMENT TO PERSONAL DATA QUESTIONNAIRE

7 OF THE HONORABLE FRANK ROBERT ADDY, JR. DATED

8 NOVEMBER 18TH, 2015

9 EXHIBIT NO. 16..... 85

10 - SWORN STATEMENT OF THE HONORABLE FRANK ROBERT ADDY,

11 JR. DATED AUGUST 5TH, 2015

12 EXHIBIT NO. 17..... 98

13 - PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE

14 DAVID GARRISON HILL DATED AUGUST 4TH, 2015

15 EXHIBIT NO. 18..... 101

16 - SWORN STATEMENT OF THE HONORABLE DAVID GARRISON HILL

17 DATED AUGUST 4TH, 2015

18 EXHIBIT NO. 19..... 109

19 - PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE

20 STEVEN H. JOHN DATED AUGUST 3RD, 2015

21 EXHIBIT NO. 20..... 110

22 - SWORN STATEMENT OF THE HONORABLE STEVEN H. JOHN

23 DATED JULY 30TH, 2015

24 EXHIBIT NO. 21..... 125

25 - PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE

1 JOHN CALVIN HAYES, III, DATED JULY 31ST, 2014

2 EXHIBIT NO. 22..... 127

3 - SWORN STATEMENT OF THE HONORABLE JOHN CALVIN HAYES,

4 III, DATED JULY 31ST, 2015

5 EXHIBIT NO. 23..... 136

6 - PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE

7 DANIEL DEWITT HALL DATED AUGUST 3RD, 2015

8 EXHIBIT NO. 24..... 137

9 - SWORN STATEMENT OF THE HONORABLE DANIEL DEWITT HALL

10 DATED AUGUST 3RD, 2015

11 EXHIBIT NO. 25..... 147

12 - PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE

13 WILLIAM J. WYLIE, JR. DATED AUGUST 3RD, 2015

14 EXHIBIT NO. 26..... 148

15 - SWORN STATEMENT OF THE HONORABLE WILLIAM J.

16 WYLIE, JR. DATED AUGUST 4TH, 2015

17 EXHIBIT NO. 27..... 159

18 - PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE

19 NANCY CHAPMAN MCLIN DATED AUGUST 5TH, 2015

20 EXHIBIT NO. 28..... 160

21 - SWORN STATEMENT OF THE HONORABLE NANCY CHAPMAN

22 MCLIN DATED AUGUST 7TH, 2015

23 EXHIBIT NO. 29..... 171

24 - PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE

25 VICKI J. SNELGROVE DATED JULY 28TH, 2015

1 EXHIBIT NO. 30..... 172
2 - AMENDMENT TO PERSONAL DATA QUESTIONNAIRE OF THE
3 HONORABLE VICKI J. SNELGROVE DATED JULY 28TH, 2015
4 EXHIBIT NO. 31..... 174
5 - SWORN STATEMENT OF THE HONORABLE VICKI J. SNELGROVE
6 DATED JULY 28TH, 2015
7 EXHIBIT NO. 32..... 179
8 - PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE
9 GEORGE MARION MCFADDIN, JR. DATED AUGUST 7TH, 2015
10 EXHIBIT NO. 33..... 181
11 - SWORN STATEMENT OF THE HONORABLE GEORGE MARION
12 MCFADDIN, JR. DATED AUGUST 7TH, 2015
13 EXHIBIT NO. 34..... 189
14 - PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE CELY
15 ANNE BRIGMAN DATED AUGUST 11TH, 2015
16 EXHIBIT NO. 35..... 190
17 - SWORN STATEMENT OF THE HONORABLE CELY ANNE BRIGMAN
18 DATED AUGUST 5TH, 2015
19 EXHIBIT NO. 36..... 198
20 - PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE
21 GWENDLYNE YOUNG JONES DATED JULY 31ST, 2015
22 EXHIBIT NO. 37..... 199
23 - SWORN STATEMENT OF THE HONORABLE GWENDLYNE YOUNG
24 JONES DATED JULY 31ST, 2015
25 EXHIBIT NO. 38..... 207

1 - PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE
2 USHA J. BRIDGES DATED AUGUST 3RD, 2015
3 EXHIBIT NO. 39..... 208
4 - SWORN STATEMENT OF THE HONORABLE USHA J. BRIDGES
5 DATED AUGUST 3RD, 2015
6 EXHIBIT NO. 40..... 219
7 - PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE
8 DOROTHY MOBLEY JONES DATED AUGUST 10TH, 2015
9 EXHIBIT NO. 41..... 220
10 - SWORN STATEMENT OF THE HONORABLE DOROTHY MOBLEY
11 JONES DATED AUGUST 10TH, 2015
12 EXHIBIT NO. 42..... 227
13 - PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE
14 DANIEL E. MARTIN, JR. DATED JULY 30TH, 2015
15 EXHIBIT NO. 43..... 230
16 - SWORN STATEMENT OF THE HONORABLE DANIEL E. MARTIN
17 DATED JULY 30TH, 2015
18 EXHIBIT NO. 44..... 241
19 - PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE
20 JACK ALAN LANDIS DATED AUGUST 9TH, 2015
21 EXHIBIT NO. 45..... 242
22 - SWORN STATEMENT OF THE HONORABLE JACK ALAN LANDIS
23 DATED AUGUST 6TH, 2015
24 EXHIBIT NO. 46..... 251
25 - PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE

1	KAREN F. BALLENGER DATED JULY 30TH, 2015	
2	EXHIBIT NO. 47.....	253
3	- SWORN STATEMENT OF THE HONORABLE KAREN F. BALLENGER	
4	DATED AUGUST 5TH, 2015	
5	EXHIBIT NO. 48.....	262
6	- PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE	
7	ALEX KINLAW, JR. DATED JULY 23RD, 2015	
8	EXHIBIT NO. 49.....	262
9	- AMENDMENT TO PERSONAL DATA QUESTIONNAIRE OF	
10	THE HONORABLE ALEX KINLAW, JR. DATED JULY 29TH, 2015	
11	EXHIBIT NO. 50.....	263
12	- SWORN STATEMENT OF THE HONORABLE ALEX KINLAW, JR.	
13	DATED JULY 23RD, 2015	
14	EXHIBIT NO. 51.....	276
15	- PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE	
16	JERRY DEESE VINSON, JR. DATED JULY 23RD, 2015	
17	EXHIBIT NO. 52.....	277
18	- SWORN STATEMENT OF THE HONORABLE JERRY DEESE	
19	VINSON, JR. DATED JULY 23RD, 2015	
20	EXHIBIT NO. 53.....	285
21	- PERSONAL DATA QUESTIONNAIRE OF THE HONORABLE	
22	WALTER H. SANDERS, JR. DATED AUGUST 4TH, 2015	
23	EXHIBIT NO. 54.....	286
24	- SWORN STATEMENT OF THE HONORABLE WALTER H. SANDERS,	
25	JR. DATED AUGUST 4TH, 2015	

1 Court Reporter's Legend:

2 dashes [--] Intentional or purposeful interruption

3 ... Indicates trailing off

4 [ph] Denotes phonetically written

5 [sic] Written as said

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1 REPRESENTATIVE CLEMMONS: Good morning,
2 Judge.

3 JUDGE LOCKEMY: Good morning, Mr. Chairman.

4 REPRESENTATIVE CLEMMONS: So good to have
5 you with us today.

6 JUDGE LOCKEMY: It's good to be here.

7 REPRESENTATIVE CLEMMONS: I don't know if I
8 could call you Judge, General, or General Judge. Which
9 should it be?

10 JUDGE LOCKEMY: Just call me a boy scout.

11 REPRESENTATIVE CLEMMONS: Yes, sir.

12 JUDGE LOCKEMY: 'Cause you've been so much
13 involved in that great, great endeavor for many years.

14 REPRESENTATIVE CLEMMONS: Thank you very
15 much. Judge, it's wonderful to have you with us today.
16 Thank you for your service on the bench.

17 JUDGE LOCKEMY: I'm very, very honored to be
18 here -- to be in a position to be here as a judge for the
19 great State of South Carolina.

20 REPRESENTATIVE CLEMMONS: Thank you. And
21 thank you for offering again, for serving the state. Would
22 you please raise your right hand, and be sworn.

23 WHEREUPON:

24 THE HONORABLE JAMES EDWARD LOCKEMY, being
25 duly sworn and cautioned to speak the truth, the whole

1 truth and nothing but the truth, testifies as follows:

2 REPRESENTATIVE CLEMMONS: Judge Lockemy, we
3 have -- have you had an opportunity to review your personal
4 data questionnaire?

5 JUDGE LOCKEMY: Well, I haven't seen it in a
6 couple weeks, but I think I remember most everything. If
7 something comes up, I need to look, I've got it in front of
8 me here. I filled it out, so...

9 REPRESENTATIVE CLEMMONS: When you completed
10 the personal data questionnaire, was it complete and
11 correct?

12 JUDGE LOCKEMY: To the best of my knowledge.

13 REPRESENTATIVE CLEMMONS: Is it in need of
14 any amendment today?

15 JUDGE LOCKEMY: I must have -- the financial
16 thing, I got a tax refund due to me buying a condo high and
17 selling low and --

18 REPRESENTATIVE CLEMMONS: I'm sorry, the
19 financials are not part of the personal data questionnaire.

20 JUDGE LOCKEMY: Okay. I paid off a credit
21 card when I got a tax refund.

22 REPRESENTATIVE CLEMMONS: Do you --

23 JUDGE LOCKEMY: But other than that --

24 REPRESENTATIVE CLEMMONS: -- do you need to
25 make any changes to your --

1 JUDGE LOCKEMY: The only change --

2 REPRESENTATIVE CLEMMONS: -- to your
3 questionnaire?

4 JUDGE LOCKEMY: -- is during the course, I
5 was made aware of a lawsuit that I had forgotten. But I
6 think with her hard work, that Elizabeth has put that in
7 there. I forgot about a lawsuit from a prisoner that had
8 sued me. Should I comment on that? Or is that --

9 REPRESENTATIVE CLEMMONS: Not at this time.
10 With that amendment, then shall -- is the personal data
11 questionnaire complete?

12 JUDGE LOCKEMY: To the best of my knowledge,
13 yes, sir.

14 REPRESENTATIVE CLEMMONS: Thank you, sir.
15 Would you have any objection to that being made a part of
16 the record of your testimony today?

17 JUDGE LOCKEMY: No, I do not.

18 REPRESENTATIVE CLEMMONS: Does any
19 Commission member have an objection?

20 (No response.)

21 REPRESENTATIVE CLEMMONS: Hearing none, it's
22 so ordered.

23 (EXHIBIT NO. 1 - Judicial Merit Selection
24 Commission Personal Data Questionnaire of James
25 Edward Lockemy dated August 5th, 2015)

1 (EXHIBIT NO. 2 - Addendum to Personal Data
2 Questionnaire of James E. Lockemy)

3 REPRESENTATIVE CLEMMONS: Judge Lockemy,
4 we've thoroughly investigated your qualifications for
5 continuing on the bench. Our inquiry has been based on the
6 nine evaluative criteria. Do you have a brief opening
7 statement you'd like to share with the Commission today?

8 JUDGE LOCKEMY: Very brief, Mr. Chairman.
9 And once again, as I said when I came in, I never thought
10 when I was growing that I would have this opportunity and
11 this honor to serve. And I do realize, and I have realized
12 ever since the people of this state, in some capacity --
13 the Legislator gave me an opportunity to serve. But I do
14 know that it is a great, great, great honor. And I'm very,
15 very fortunate to have that honor.

16 But I also realize that with that honor on
17 one shoulder, and on the other shoulder is a burden. And
18 that burden is to act responsibly, to do your duty to be
19 open to the public, and to do everything you can to serve.
20 And so with those two tenets, the honor and the burden, I'm
21 glad to answer any questions.

22 REPRESENTATIVE CLEMMONS: Thank you so much,
23 Judge. In that vein, would you please turn your attention
24 to your screening attorney Ms. Dean -- Ms. Crawford. I'm
25 sorry.

1 JUDGE LOCKEMY: Crawford. Former -- former
2 law clerk to the Honorable A.B. Chandler of Darlington,
3 South Carolina, then Chief Justice of the Supreme Court.

4 REPRESENTATIVE CLEMMONS: Yes, sir. Ms.
5 Crawford, please proceed.

6 MS. CRAWFORD: Judge Lockemy, you have
7 before you, your sworn statement you provided, with
8 detailed answers to over thirty questions. Are there any
9 amendments you'd like to make to the sworn statement at
10 this time?

11 JUDGE LOCKEMY: No, I think everything is...

12 MS. CRAWFORD: Okay. And at this time, Mr.
13 Chairman, I'd like to ask that his sworn statement be
14 entered as an exhibit into the hearing record.

15 REPRESENTATIVE CLEMMONS: Any objection?

16 (No response.)

17 REPRESENTATIVE CLEMMONS: Hearing none, so
18 ordered.

19 (EXHIBIT NO. 3 - Judicial Merit Selection
20 Commission Sworn Statement of James Edward
21 Lockemy dated August 5th, 2015)

22 EXAMINATION BY MS. CRAWFORD:

23 **Q. Judge Lockemy, after serving seven years on the**
24 **Court of Appeals, and previously serving nine years as a**
25 **circuit court judge, why do you want to continue serving as**

1 **a judge on the Court of Appeals?**

2 A. Because I feel that I am one that would apply the
3 one that should be applied. I think that I have thoroughly
4 kept myself up-to-date with the law. I feel that I am
5 fair, in the sense that I look at all sides of an issue and
6 try and make a decision that is within the law -- and I
7 realize the limitations of the bench. And I am physically
8 able to continue to serve and would like to do so.

9 **Q. Thank you, Judge. Judge, please explain one or**
10 **two brief accomplishments that you feel you've completed**
11 **during your tenure on the bench, and then a goal you may**
12 **want to try and accomplish.**

13 A. Well, as far as goals, I have become very much
14 involved in networking with other judges around the nation.
15 I am right now the secretary of the Appellate Judges
16 Association of the American Bar Association, and one day
17 may very well be chair.

18 This past weekend in Washington, I was the chair
19 of a committee with lawyers from around the nation and a
20 professor of law from UCLA, regarding the ethics of our --
21 I was the one who presented to over 300 people, with
22 appellate judges and appellate lawyers around the nation,
23 on ethics in the movies -- some of you might know I really
24 enjoy old movies -- and to get movies that comment on
25 lawyers and ethics.

1 And some things that you should be aware of, I
2 have authored several articles about the law. One entitled
3 "Marbury versus Madison" -- a bumper sticker to be proud of
4 -- and that's because a judge, who was not retained in
5 Iowa, said one reason he didn't campaign is that Marbury
6 versus Madison would not be a good bumper sticker. And I
7 took exception. I think that it would be, because it would
8 ask -- cause people to see how in this country you can have
9 issues like the election of a president in 2000, questions
10 about the Affordable Care Act, whichever -- whichever way
11 you feel about it, resolved by a court, and everybody
12 accept that is the law, that is the judicial review in our
13 nation, as it has been adopted with a tradition set.

14 And so I've written articles on several -- on
15 that publication, among others. I am on the editorial
16 board of the Judges Journal for the American Bar
17 Association. My colleagues, that I have grown to respect
18 and have an affection, are on the Court of Appeals; we work
19 together on many cases. I have dissented on several cases,
20 as have others, but each time it's always been a dissent of
21 respect.

22 And I feel that I have contributed to the law --
23 and I listen to them, also. As so many of you know me, and
24 know how much I love history, it does -- sometimes when you
25 think about it, give you a little bit of a chill to know

1 that when you author an opinion, that it is going in a book
2 to be part of the history of this state. Of course, that
3 chill is somewhat chillier when it gets reversed on you and
4 you know the reversal is also there. But those, I feel,
5 are some of my accomplishments.

6 **Q. Yes, sir. Judge, the Commission received 522**
7 **ballot box surveys regarding you, with 34 additional**
8 **comments. The ballot box survey, for example, primarily**
9 **had positive comments.**

10 **Six of the written comments expressed concerns,**
11 **and judicial temperament seemed to be the primary concern.**
12 **What response would you offer to this concern?**

13 A. Now, that's amazing. I'm not sure -- some of
14 you've been in a court with me before, and I don't -- I
15 don't -- I've done my best to be as fair and let everyone
16 have their say, and make sure everyone is not leaving that
17 courtroom without the feeling they had the full opportunity
18 to present their case.

19 Maybe people may think that I'm too friendly, and
20 then they have the opinion that maybe he isn't on the side
21 they should you be, they -- they think I was being
22 sarcastic. But I do my best to be as friendly as I can.
23 And I -- and I very -- I am one that realized that -- that
24 robe is an honor to wear on the bench, that you don't wear
25 it outside of the bench. And when you do wear it on the

1 bench, you wear it to be fair to everyone, not to have any
2 magic power. And, in fact, when I was a trial judge, I
3 made a point of, at the end of each week, to go out into
4 the audience or the jurors and thank them, and shake their
5 hand, personally, for serving.

6 So I -- I would say that I am surprised that
7 anyone would say anything about my judicial temperament.
8 But, you know, we're all human. We're all human. As the
9 Bible says, "He who has not sinned cast the first stone."
10 I'm sure there's been a day or so, that anyone who should
11 count to ten, first, maybe counted to eight. And so if
12 that ever happened in my regard -- and I don't deny that it
13 may have -- I'm sincerely sorry in that regard. But I just
14 can't remember a time that it has, but I know it probably
15 has at one time or another.

16 **Q. Okay. Judge, thank you. I'd just ask that --**

17 A. I hope there wasn't many who said that.

18 **Q. No, sir. It was only six -- six out of --**

19 A. Out of five hundred?

20 **Q. Yes, sir.**

21 A. Oh, okay.

22 **Q. Very few.**

23 A. I counted to eight, six times.

24 **Q. Very good.**

25 A. In about twenty years -- or twenty-something

1 years.

2 Q. Yeah, we just have a few brief housekeeping
3 issues. Have you sought or received a pledge of any
4 legislator prior to this day?

5 A. No, I have not.

6 Q. Have you sought or been offered a conditional
7 pledge of support?

8 A. No.

9 Q. Have you asked any third parties to contact
10 members of the General Assembly?

11 A. No, I have not.

12 Q. Are you aware of anyone attempting to intervene
13 in any part of this processing on your behalf?

14 A. No. No, ma'am.

15 Q. Have you contacted any members of this
16 Commission?

17 A. No.

18 Q. And you understand that you're prohibited from
19 seeking a pledge or commitment until 48 hours after the
20 formal release of the Commission's report?

21 A. Yes, I'm very much aware of that.

22 Q. And you've reviewed the Commission's guidelines
23 on pledging?

24 A. Yes.

25 Q. And as a follow-up, are you aware of the

1 penalties for violating the pledging; it's a misdemeanor,
2 and upon conviction the violator must be fined not more
3 than one thousand or imprisoned not more than 90 days?

4 A. I've been made aware of that. And I could set an
5 appropriate bond, if I got arrested.

6 Q. Yes, sir.

7 A. I won't do that. I promise.

8 MS. CRAWFORD: Mr. Chairman, I'd like to
9 note that the Pee Dee Citizens Committee reported that
10 Judge Lockemy is qualified as to the constitutional
11 qualifications, mental stability and physical health. The
12 Committee found Judge Lockemy well qualified in the
13 remaining criteria. The Committee concluded that Judge
14 Lockemy is perceived to be a highly intelligent,
15 charismatic, and perceptive jurist.

16 I would just note for the record, that any
17 concerns raised during the investigation regarding the
18 candidate, were incorporated into the questionings today.

19 I have no further questions.

20 REPRESENTATIVE CLEMMONS: Thank you, Ms.
21 Crawford. Does any commissioner have a question? Senator
22 Malloy, you're recognized.

23 SENATOR MALLOY: Thank you, Mr. Chair and
24 Commission members.

25 SENATOR MALLOY: Judge Lockemy -- I have the

1 honor and pleasure of probably being one of the only people
2 in this room that had probably had helped try one of his
3 cases, and one of his last cases while on the trial bench.
4 I've had a chance to be in front of him on the Court of
5 Appeals. I would be surprised at any of those comments.

6 As y'all have seen Judge Lockemy, through
7 all his careers, in his history as a bag boy in a grocery
8 store, and growing up in the Dillon County area. He -- I
9 would say he's very humble on the bench. He lets lawyers
10 try their cases. He is a great jurist, a great historian,
11 a great South Carolinian.

12 I've witnessed that in courtroom, many
13 times, whenever he would go out and speak to all the
14 jurors, the folks, even after the questioning of the jury.
15 And I appreciate that. I know that he has worked really
16 hard in representing our country, and being in the bench.
17 And also making sure that he's learning all the Hank
18 William songs.

19 JUDGE LOCKEMY: And good-looking.

20 SENATOR MALLOY: So I -- I have no
21 reservations as it relates to Judge Lockemy. And I also
22 want to say he gave the other lawsuits in that case some
23 good advice, and said, "Here's things that y'all should be
24 doing as a group."

25 And so he was -- continues to be a teacher

1 on the bench.

2 REPRESENTATIVE CLEMMONS: Before I go to Mr.
3 Mack, did you just call Senator Malloy good-looking?

4 SENATOR MALLOY: No. No. He mentioned Hank
5 Williams. Do y'all know Hank Williams?

6 REPRESENTATIVE CLEMMONS: Thank you.
7 Excellent.

8 SENATOR MALLOY: I would be offended with --
9 with that -- they would call me good-looking.

10 REPRESENTATIVE CLEMMONS: Mr. Mack?

11 SENATOR CAMPSER: So would the rest of the
12 Commission.

13 SENATOR MALLOY: Well, I wasn't going to say
14 the reason why.

15 SENATOR MARTIN: We would definitely
16 question his judgement.

17 SENATOR MALLOY: Exactly. And eyesight.
18 Not judgement, eyesight.

19 REPRESENTATIVE MACK: Mr. Mack, you're
20 recognized.

21 REPRESENTATIVE MACK: Thank you, Mr.
22 Chairman. Judge, great to see you. I just wanted to just
23 chime in that, getting to know you over the last few years,
24 it's been a pleasure. I've never seen you in a courtroom,
25 but you get to know a person in terms of interaction. And

1 you've always been connected to the General Assembly, never
2 saying anything inappropriate, but just being there in case
3 we had any questions. And I appreciate that. I appreciate
4 your service. And I appreciate your personality and your
5 temperament.

6 JUDGE LOCKEMY: I've never seen you on the
7 radio, either, but I've heard you.

8 REPRESENTATIVE MACK: Okay.

9 JUDGE LOCKEMY: Thank you very much,
10 Representative Mack.

11 SENATOR MARTIN: Mr. Chairman?

12 REPRESENTATIVE CLEMMONS: Yes, Senator
13 Martin.

14 SENATOR MARTIN: Judge, it's good to see
15 you.

16 JUDGE LOCKEMY: Good to see you, my former
17 colleague.

18 SENATOR MARTIN: Yeah. Yeah, I -- I was
19 looking back to try to figure out exactly -- you got
20 elected in '89 --

21 JUDGE LOCKEMY: '89.

22 SENATOR MARTIN: -- to the circuit?

23 JUDGE LOCKEMY: The only judge elected that
24 year.

25 SENATOR MARTIN: How about that.

1 JUDGE LOCKEMY: Yeah. And I had to go to
2 school with Judge Bubba Ness as my teacher.

3 SENATOR MARTIN: But I just wanted to share
4 with the Commission, our service together, and how much I
5 enjoyed that. And just have great respect and admiration
6 for your service, both in the House and -- and later on the
7 bench. And I'm just thrilled that you're continuing there.
8 And just wish you the very best.

9 JUDGE LOCKEMY: Thank you, Senator. And
10 I've always enjoyed my time. I've served several times in
11 Pickens County, and I really had a wonderful experience up
12 there with the people of Pickens County -- those I didn't
13 send away for a while.

14 SENATOR MARTIN: Right. Right. We -- they
15 were imports, by the way. Thank you for -- thank you for
16 your service.

17 REPRESENTATIVE CLEMMONS: Thank you, Senator
18 Martin. Ms. Bell?

19 MS. BELL: Good morning, Judge Lockemy.

20 JUDGE LOCKEMY: Good morning.

21 MS. BELL: I know we're on a tight schedule,
22 so I'll be brief. I wanted to thank you for your service.
23 And I've personally witnessed your wonderful demeanor on
24 the bench. I know you won't remember, but --

25 JUDGE LOCKEMY: At least you're not one of

1 those six I --

2 MS. BELL: I tried my first case in front of
3 you. I was fifth chair, but I did do my first --

4 JUDGE LOCKEMY: Fifth chair? A small law
5 firm.

6 MS. BELL: I know. It was with --
7 Marguerite Willis with Nexsen Pruitt --

8 JUDGE LOCKEMY: Oh, yes.

9 MS. BELL: -- the Bristo [sic] case. And
10 Senator Malloy, yes, was there as well.

11 JUDGE LOCKEMY: Excellent.

12 MS. BELL: Yes. So I did my first direct
13 examination and cross-examination of a witness, and you
14 were very, very patient. And I appreciate that. And you
15 were wonderful to be with. So thank you very much for your
16 service.

17 JUDGE LOCKEMY: Well, thank you very much.

18 SENATOR MALLOY: They didn't take my advice.
19 But, yes.

20 REPRESENTATIVE CLEMMONS: Any other
21 questions or comments?

22 (No response.)

23 REPRESENTATIVE CLEMMONS: Well, Judge, when
24 it comes to --

25 JUDGE LOCKEMY: Can I ask something of Dean

1 Wilcox? I'm hoping when you-all get that building built,
2 you have a place that judges can park. When you go to --
3 it only just seems fair that when you go to research, you
4 have a place to park.

5 MR. WILCOX: Judge, I hope we have a place
6 where deans can park.

7 REPRESENTATIVE CLEMMONS: Judge, when it
8 comes to the nine evaluative criteria, in my book you --
9 you score at the top, you always make us proud, and we
10 appreciate your service to the bench.

11 JUDGE LOCKEMY: Thank you.

12 REPRESENTATIVE CLEMMONS: Thank you very
13 much. This concludes this portion of the -- of our
14 screening process. Judge, we would ask you to keep in mind
15 the 48-hour rule. And we would also ask that if anybody
16 should ask you about advocating on your behalf, that you
17 remind them of the 48-hour rule.

18 JUDGE LOCKEMY: I shall.

19 REPRESENTATIVE CLEMMONS: With that, again,
20 thank you for your service to South Carolina, and all that
21 you do. Thank you, sir.

22 JUDGE LOCKEMY: Thank you, Mr. Chairman. I
23 thank everyone. I would shake hands, but that thing has
24 barred me. Thank you so much. I appreciate it. And I
25 mean what I said about the honor. It is an honor. And I

1 won't forget the responsibility. Thank you.

2 REPRESENTATIVE CLEMMONS: Thank you, Judge.

3 (Candidate excused.)

4 REPRESENTATIVE CLEMMONS: Thank you for
5 being with us today, sir.

6 JUDGE DICKSON: Thank you.

7 REPRESENTATIVE CLEMMONS: Would you please
8 raise your -- would you please raise your right hand and be
9 sworn.

10 WHEREUPON:

11 THE HONORABLE EDGAR WARREN DICKSON, being
12 duly sworn and cautioned to speak the truth, the whole
13 truth and nothing but the truth, testifies as follows:

14 REPRESENTATIVE CLEMMONS: Judge, the
15 Judicial Merit Selection Commission -- before -- before I
16 get to that statement, let me ask have you reviewed your
17 personal data questionnaire?

18 JUDGE DICKSON: Yeah.

19 REPRESENTATIVE CLEMMONS: Is it complete and
20 correct?

21 JUDGE DICKSON: Yes, sir.

22 REPRESENTATIVE CLEMMONS: Would you have any
23 objection to it being entered into the record as a part of
24 your sworn testimony today?

25 JUDGE DICKSON: Not at all.

1 REPRESENTATIVE CLEMMONS: Thank you, sir.

2 Any objection by Commission members?

3 (No response.)

4 REPRESENTATIVE CLEMMONS: Hearing none, so
5 ordered.

6 (EXHIBIT NO. 4 - Judicial Merit Selection
7 Commission Personal Data Questionnaire of Edgar
8 Warren Dickson dated August 6th, 2015)

9 REPRESENTATIVE CLEMMONS: Judge, the
10 Judicial Merit Selection Commission has thoroughly reviewed
11 your qualifications for the bench.

12 JUDGE DICKSON: Yes, sir.

13 REPRESENTATIVE CLEMMONS: And our
14 evaluation, of course, is focused on the statutory nine
15 evaluative criteria. We've received no affidavits filed in
16 opposition to your -- to your election. And there are also
17 no other -- no witnesses here to testify, today, other than
18 yourself.

19 With that, sir, do you have a brief opening
20 statement you'd like to share with the Commission?

21 JUDGE DICKSON: Just that I've enjoyed my --
22 I appreciate getting elected the first time. I've enjoyed
23 my service. And this is -- this is my last go-around.
24 After this, I'll be 72. And so I can't run again. And
25 but, I've enjoyed it. It's -- we're actually blessed in

1 the state to have a lot of good attorneys. And, of course,
2 I find that when good attorneys appear in front of me, I'm
3 a much better judge. But we are -- we are blessed with a
4 lot of good attorneys in the state. And so that makes my
5 job a lot easier. But I have enjoyed that.

6 REPRESENTATIVE CLEMMONS: Thank you very
7 much. And I heard a comment from my other follicly-
8 challenged -- how did you -- how has he kept all his hair?

9 Judge, thank you very much. With that, we
10 will turn the time over to your screening attorney. If
11 you'd please respond to his questions.

12 JUDGE DICKSON: Okay. Thank you.

13 MR. PEARCE: Hello again, Judge. It's good
14 to see you.

15 JUDGE DICKSON: Yes, sir. Good to see you.

16 MR. PEARCE: You have before you a sworn
17 statement you provided, with detailed answers to over
18 thirty questions. Are there any amendments you would like
19 to make at this time to that sworn statement?

20 JUDGE DICKSON: None.

21 MR. PEARCE: At this time, Mr. Chairman, I'd
22 like to ask that, that sworn statement be entered as an
23 exhibit to the hearing record.

24 REPRESENTATIVE CLEMMONS: Thank you. Are
25 there any objections?

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(No response.)

REPRESENTATIVE CLEMMONS: Hearing none, so ordered.

(EXHIBIT NO. 5 - Judicial Merit Selection Commission Sworn Statement of Edgar Warren Dickson dated August 6th, 2015)

EXAMINATION BY MR. PEARCE:

Q. Judge, after serving since 2009 on the circuit court bench, why do you want to continue serving?

A. Well, as I mentioned already, I have enjoyed it. Sometimes I feel like I'm actually being helpful. I know when I was practicing law, it was -- it was -- sometimes I didn't feel like the judges, you know, had time like that. But I enjoy, you know, working the attorneys and doing what I can to help them, and do what I can to help the people that appear in front of me, realizing that when I make a decision, it affects both sides and has an impact on families of the people involved. But basically, it's a good job, and I've enjoyed doing it.

Q. Could you briefly explain one or two accomplishments you feel you have completed during your tenure, and then a goal you'd like to accomplish if reelected and reappointed?

A. Goals that I've accomplished? You mean, like, cases? I don't know exactly --

1 **Q. It could be that. Any accomplishment that you**
2 **would like to share with the Commission.**

3 A. Well, you know, with the new computer tracking
4 methods, we -- we're doing a better job of making sure that
5 cases don't get lost. And we're moving them along. I know
6 in Orangeburg, as soon as a case turns nine months old in
7 the civil docket, we put it on the trial docket, even
8 though it can't be tried until a year. But that way, when
9 it comes up three months later, everybody knows we're ready
10 to go.

11 As far as dealing with the criminal docket, what
12 I try and do, and what we've done in the 1st Circuit, that
13 I feel is effective is whenever, you know, attorneys -- you
14 know, the solicitor, traditionally, has had -- has
15 controlled the docket. But we can -- if the defense is
16 ready to go, they can file a motion for a speedy trial;
17 they come in front of me, and we try and get the trial
18 scheduled as soon as we can. So what we're trying to do is
19 speed up the docket, and make -- make sure everything is
20 heard in a -- in a timely fashion.

21 **Q. Judge, the Commission received 469 ballot box**
22 **surveys regarding you, with 33 additional comments. The**
23 **ballot box survey, for example, contained several positive**
24 **comments, and they included that you were a fine gentleman,**
25 **an excellent judge, fair, even-keeled, with great**

1 temperament, and a very pleasant judge to try a case with.

2 One comment indicated that you were not timely in
3 returning orders. Do you have a response to offer to that
4 concern?

5 A. Well, I -- 'cause I can't deal with specifics, I
6 do mull things over. Because realizing the impact it has,
7 I want to try and make the best decision that I can make.
8 I can tell you-all a brief war story.

9 I was in -- had two attorneys appear in front of
10 me in Aiken, in a -- in a -- in a matter that -- you know,
11 a non-jury contested matter. It was a motion. And they
12 said -- they said it didn't matter how I ruled, each one of
13 them was going to appeal whatever I did. And I took that
14 kind of as a challenge. So I actually came up with an
15 order that neither one of them appealed, and they ended up
16 settling as a result of it.

17 So I do realize that it -- that I mull things
18 over. But I think -- you know, when you come to court, you
19 want individual attention. This is the only time the world
20 stops and gives you a chance to be heard. A lot of times
21 it's like we do this many this way, or this many that way.
22 And we can -- when you come to court, it is your chance in
23 court, whatever it is, and it -- you deserve a full fair
24 hearing; you need somebody to think about it. And that's
25 what I try and do.

1 So I don't think I take too long, but I -- I
2 understand how somebody could complain about it.

3 **Q. You indicated in your PDQ, that since your last**
4 **screening a lawsuit was file by Anthony Darnell Glover in**
5 **2013. Could you just explain to the Commission, briefly,**
6 **how you handled that lawsuit? I think we discussed it, and**
7 **you turned it over to the Attorney General and --**

8 A. Oh, yeah. Oh, that -- yeah, I'm sorry. Yeah. I
9 just turned it over to the Attorney General, because I -- I
10 don't know what else do you --

11 **Q. I believe when we discussed it before, you**
12 **mentioned that the Attorney General said there was not a**
13 **response required.**

14 A. Yeah. I mean, when I turned it over to them,
15 they said just to leave it alone and have nothing to do
16 with it. And so I did.

17 **Q. And you also provided the information about a**
18 **traffic ticket in 2008, that you received in Turbeville,**
19 **and a --**

20 A. That's right.

21 **Q. -- in a 1993 tax lien for \$495.**

22 A. That's right.

23 **Q. Are those matters paid?**

24 A. Oh, yeah, they were paid -- they were paid at --
25 at the time. Well, the ticket wasn't paid until about --

1 whenever I had to send it in.

2 MR. PEARCE: And I do have some housekeeping
3 matters, Mr. Chairman.

4 EXAMINATION RESUMED BY MR. PEARCE:

5 Q. Judge, have you sought or received a pledge or
6 any legislator prior to this day?

7 A. No, sir.

8 Q. Have you sought or have you been offered a
9 conditional pledge of support of any legislator, pending
10 the outcome of your screening?

11 A. No, sir.

12 Q. Have you asked any third parties to contact
13 members of the General Assembly on your behalf?

14 A. No, sir.

15 Q. Are you aware of anyone attempting to intervene
16 in any part of this process on your behalf?

17 A. I'm not aware of anyone.

18 Q. Have you contacted any members of the Commission?

19 A. No.

20 Q. And you're familiar with the 48-hour rule, and
21 will comply with its requirements?

22 A. I will.

23 MR. PEARCE: I would note that the Low
24 Country Citizens Committee reported that Judge Dickson
25 qualified in areas of constitutional qualifications,

1 physical health and mental stability, and he was well
2 qualified on all remaining criteria.

3 And I would note for the record that any
4 concerns raised during the investigation, regarding Judge
5 Dickson, were incorporated into the questioning that I did
6 of the candidate today.

7 Mr. Chairman, I don't have any further
8 questions.

9 REPRESENTATIVE CLEMMONS: Thank you very
10 much. Judge Dickson, we -- would you respond to any
11 questions that members of the Commission might have?

12 JUDGE DICKSON: I'd be happy to.

13 REPRESENTATIVE CLEMMONS: Members?

14 REPRESENTATIVE BANNISTER: I have just a
15 quick -- a quick comment. On behalf of all the Committee
16 members, we appreciate your coming and answering the
17 questions and going through the process. We think it's
18 important. We know it's a day out of your working life,
19 which probably would be better used in court, helping folks
20 solve their conflicts. But at the same time, it gives the
21 public some confidence that we're looking at everybody that
22 seeks reelection.

23 You should have answered your -- one of your
24 best accomplishments was having three hundred responses,
25 and the worst thing they could say about you was you were a

1 little slow on issuing a ruling.

2 JUDGE DICKSON: Well, I'm glad --

3 REPRESENTATIVE BANNISTER: That's a pretty
4 good negative.

5 JUDGE DICKSON: It just sound a little slow,
6 and stop there. That would be my biggest concern.

7 REPRESENTATIVE BANNISTER: Thank goodness
8 for that.

9 JUDGE DICKSON: That's all right. That's
10 all right.

11 REPRESENTATIVE BANNISTER: Thank you, Judge.
12 Thank you for being here.

13 JUDGE DICKSON: Thank you.

14 REPRESENTATIVE CLEMMONS: Senator Martin is
15 recognized.

16 SENATOR MARTIN: Thank you, Mr. Chairman.

17 EXAMINATION BY SENATOR MARTIN:

18 Q. We had a candidate yesterday or the day before --
19 the days are running together -- that mentioned during the
20 course of his screening -- and we're not going to be able
21 to ask this of everyone in this. In your particular case,
22 one of the comments has to do with you were -- you appear
23 more favorable to plaintiffs than defendants. That's in
24 the -- I think that's the right one.

25 In any event, that gave rise to my thought about

1 the Frivolous Proceedings Act that we have, he -- 'cause he
2 mentioned that. Have you ever sanctioned a defendant or a
3 plaintiff for a frivolous proceeding, a frivolous motion?

4 A. I have sanctioned a -- I believe a plaintiff's
5 attorney for failing to provide some discovery. But it was
6 a very egregious situation. And, actually, I ended up
7 withdrawing that because I found out that it was actually
8 after a -- and I can't go -- found out that there was some
9 -- you know, as an attorney, if people believe somebody has
10 a problem with alcohol or drugs or something like that, you
11 have a duty to report that. And I -- I had a conversation
12 with the Bar, and they checked and -- and -- and that
13 attorney went in to some treatment. So --

14 Q. But I guess what the -- the heart of the question
15 is -- and, of course -- I mean, as you mentioned earlier,
16 everybody deserves their day in court.

17 A. Right.

18 Q. And when they come to court, they -- they --
19 that's the most important to them in the world.

20 A. Exactly.

21 Q. But -- but it's also assumed that not every
22 filing is -- is going to be meritorious.

23 A. Absolutely true. I've dismissed cases --

24 Q. Right.

25 A. -- at the summary judgement level, which had

1 absolutely no bearing.

2 **Q. I'm just curious as to what your general views**
3 **were on the Frivolous Proceedings Act, and whether or not**
4 **you'd ever invoked that.**

5 A. Well, actually, I -- the only time I've actually
6 had it come before me, was just this past -- this week
7 during non-jury, and somebody had filed a counterclaim as a
8 frivolous proceeding under the Frivolous Proceedings Act.
9 And he can't bring that until after the case is over. So
10 the only thing we did is, I -- I just issued an order
11 saying that it's preserved, and that after the case is --
12 is over with, he can go forward with the Frivolous
13 Proceedings Act.

14 **Q. All right. Thank you very much.**

15 REPRESENTATIVE CLEMMONS: Any other
16 questions? Thank you. Ms. Wall?

17 MS. WALL: Judge Dickson, I've had the
18 pleasure of appearing --

19 REPRESENTATIVE CLEMMONS: Ms. Wall, would
20 you use your microphone, please.

21 MS. WALL: Yes. I've had the pleasure of
22 appearing in front of you. And I would -- I take it as a
23 very -- these are positive comments, you were -- I had a
24 summary judgement motion in front of you, and you certainly
25 allowed the attorneys to fully explore and provide you with

1 the information. You were very thoughtful and very
2 courteous. And as a practicing attorney, I can assure you
3 the attorneys appreciate that. So thank you for your
4 service.

5 JUDGE DICKSON: Appreciate it. Thank you.

6 REPRESENTATIVE CLEMMONS: Thank you, Ms.
7 Wall. Other questions or comment?

8 (No response.)

9 REPRESENTATIVE CLEMMONS: Hearing none,
10 thank you very much. Judge, it's good to have you here
11 today. We appreciate your service to South Carolina. And
12 your appearing before us.

13 JUDGE DICKSON: I appreciate what y'all got
14 to go through, too. So thank y'all.

15 REPRESENTATIVE CLEMMONS: Thank you very
16 much.

17 (Candidate excused.)

18 REPRESENTATIVE CLEMMONS: Judge Goodstein,
19 it's so good to see you with us today.

20 JUDGE GOODSTEIN: Thank you so much. Thank
21 you very much --

22 REPRESENTATIVE CLEMMONS: Thank you for
23 joining us. I was just -- we were just reminded by
24 Representative Bannister, that we are -- we are certain
25 that you could probably have a more productive day, today,

1 being on the bench rather than being with us. But we are
2 grateful that you are here with us. And your being here
3 with us gives the public some degree of comfort --

4 JUDGE GOODSTEIN: Sure.

5 REPRESENTATIVE CLEMMONS: -- that we -- we
6 are interviewing all of our judges.

7 JUDGE GOODSTEIN: Absolutely. And thank
8 you-all for doing this. And thank you for the time that
9 you're spending doing this.

10 REPRESENTATIVE CLEMMONS: I see at least one
11 special guest in the audience, that you have with you.
12 Would you introduce your guest?

13 JUDGE GOODSTEIN: Oh, thank you very much.
14 My beloved husband Arnold Goodstein, and our wonderful
15 daughter, Eve Goodstein, that just finished her clerkship
16 with Judge Manning, and is now practicing law. Yay, we got
17 a raise.

18 REPRESENTATIVE CLEMMONS: And she's just as
19 lovely as her mom.

20 JUDGE DICKSON: Thank you.

21 REPRESENTATIVE CLEMMONS: Thank you so much.
22 Good to have both of you here with us -- all three of you
23 here with us.

24 JUDGE DICKSON: Thank you. Thank you very
25 much.

1 SENATOR MALLOY: Mr. Chairman, and if you
2 would allow us, former Senator Arnie Goodstein. We got to
3 make sure that we honor the Senate.

4 REPRESENTATIVE CLEMMONS: Former Senator
5 Arnold Goodstein, absolutely.

6 (Off-the-record discussion.)

7 REPRESENTATIVE CLEMMONS: It is good to have
8 all of you with us today. Judge Goodstein, would you raise
9 your right hand and be sworn.

10 JUDGE DICKSON: I will.

11 WHEREUPON:

12 THE HONORABLE DIANE SCHAFER GOODSTEIN, being
13 duly sworn and cautioned to speak the truth, the whole
14 truth and nothing but the truth, testifies as follows:

15 REPRESENTATIVE CLEMMONS: Judge Goodstein,
16 this Commission has thoroughly investigated your
17 qualifications for continued service on the bench.

18 JUDGE GOODSTEIN: Yes.

19 REPRESENTATIVE CLEMMONS: Our inquiry and
20 investigation has been focused on the nine evaluative
21 criteria dictated by statute. In that regard, and as a
22 result of the investigation, you've come to meet your
23 screening attorney, Ms. Dean. We would ask that you please
24 direct your attention to her, and respond to her questions.

25 JUDGE DICKSON: Thank you so much.

1 MS. DEAN: Judge Goodstein.

2 JUDGE GOODSTEIN: Good morning.

3 EXAMINATION BY MS. DEAN:

4 Q. You have before you the sworn statement you
5 provided, with detailed answers of thirty questions. Are
6 there any amendments you'd like to make to your sworn
7 statement at this time?

8 A. There are two. I just -- I wanted the Commission
9 to know that a week ago, I learned that there was an
10 assessment to a piece of property that I own, and paid it.
11 And that's not on here, because at that point that it was -
12 - that it was owed, that it was owed and paid. The only
13 other item was that, yesterday -- there is a pending -- and
14 it's very recent -- a DSS case involving my son and my
15 grandchildren in -- in a private action that has been filed
16 to go along with that. But that involves my son. But I
17 have participated and agreed to help, by keeping the
18 children on a very temporary basis. And because of that,
19 I'm having interaction with the family court. And I
20 thought it was important to just disclose that as well.
21 And then I couldn't think of anything else.

22 Q. Thank you, Judge. And I believe you also have
23 your PDQ in front of you.

24 A. Yes.

25 Q. Are there any amendments you'd like to make to

1 **that, outside of what you just disclosed?**

2 A. No.

3 MS. DEAN: Okay. At this time, Mr.
4 Chairman, I'd like to suggest having both the PDQ and sworn
5 statement made part of the record.

6 REPRESENTATIVE CLEMMONS: Thank you, Ms.
7 Dean. Is there any objection?

8 (No response.)

9 REPRESENTATIVE CLEMMONS: Hearing none, so
10 ordered.

11 (EXHIBIT NO. 6 - Judicial Merit Selection
12 Commission Personal Data Questionnaire of Diane
13 Schafer Goodstein dated August 6th, 2015)

14 (EXHIBIT NO. 7 - Judicial Merit Selection
15 Commission Sworn Statement of Diane Schafer
16 Goodstein dated August 6th, 2015)

17 EXAMINATION RESUMED BY MS. DEAN:

18 **Q. Judge Goodstein, after 17 years on the circuit**
19 **court bench, why do you want to continue to serve as the**
20 **circuit court judge?**

21 A. My goodness, it's hard to believe that it has
22 been 17 years. First and foremost, it is my hope -- it is
23 my sincere hope that I still am able to be helpful, and
24 that I can still serve this state. I still love it no less
25 today than the very first day that I arrived on the bench.

1 And it is my hope that I can continue to serve and continue
2 to bring dignity and honor to the bench. And as long as
3 I'm able to do that and be productive, I would like to do
4 that. And at this moment, it's still my hope -- still my
5 passion in my life.

6 **Q. Thank you, Judge. Judge Goodstein, the**
7 **Commission received 593 ballot box surveys regarding you,**
8 **with 60 additional comments. The ballot box survey**
9 **received lots of comments related to your demeanor and**
10 **ability. Seventeen of the written comments expressed**
11 **concerned. Chief among those concerns, were plaintiff-**
12 **oriented in your rulings or judicial temperament. Would**
13 **you please react to those concerns.**

14 **A. Absolutely. And I would say this to -- to this**
15 **whole process that -- that is, I think, the beauty of this**
16 **process, quite frankly. Because while you're mindful every**
17 **day that demeanor and respect -- demeanor and respect are**
18 **so important, when we go through this process every six**
19 **years, we have an opportunity, in an anonymous fashion, to**
20 **have people share what they think about you.**

21 **And you can look at those two different ways.**
22 **You can say, well, those are disgruntled litigants and let**
23 **it go at that, or you can look at that as an opportunity to**
24 **have that feedback. I choose to look at that as an**
25 **opportunity for that feedback. And what that says to me is**

1 I need to reassess, sit down with myself and understand
2 that there are 17 people that have been in my court that
3 have concern that I'm plaintiff-oriented, and that I need
4 to be mindful of my demeanor. And that's the way that I
5 choose to look at that, that I need to be mindful of that.

6 Because every single, solitary person that comes
7 into my court ought to feel respected, they ought to feel
8 as though that I am impartial. So to me it is simply an
9 opportunity for me to recommit, to be sure that, that's
10 occurring.

11 **Q. Thank you, Judge. You were named in a lawsuit**
12 **dealing with Sealoflex, and also a lawsuit dealing with**
13 **First Palmetto. Could you please, briefly, address those**
14 **two?**

15 A. I can. With regards to the First Palmetto
16 lawsuit, and I think that order of dismissal speaks quite
17 well to that, it should have never been brought. It was
18 never served. There was no obligation. That arose out of
19 a business transaction that did not involve me, personally.
20 And I think that the order is pretty clear in that regard.
21 I owed nothing. I shouldn't have been sued. And, again, I
22 think that dismissal speaks to that.

23 With regards to the Sealoflex, that was my roof.
24 And I -- we tried every way, shape or form to resolve it
25 before litigation. But it is my roof, and the material

1 that was put on the roof, unfortunately, was defective.
2 That litigation has ended. They've paid the money. And my
3 roof is almost finished.

4 Q. Thank you, Judge. I just have some housekeeping
5 issues now. Have you sought or received a pledge of any
6 legislator prior to this date?

7 A. I have not.

8 Q. Have you sought or have you been offered a
9 conditional pledge of support of any legislator, pending
10 the outcome of your screening?

11 A. I have not.

12 Q. Have you asked any third parties to contact
13 members of the General Assembly on your behalf?

14 A. No.

15 Q. Are you aware of anyone attempting to intervene
16 in any part of this process on your behalf?

17 A. No.

18 Q. Have you contacted any members of this
19 commission?

20 A. No.

21 Q. Do you understand that you are prohibited --
22 prohibited from seeking a pledge of -- or a commitment
23 until 48 hours after the formal release of this
24 commission's report?

25 A. Yes.

1 Q. Have you reviewed the Commission's guidelines on
2 pledging?

3 A. Yes.

4 Q. As a follow-up, are you aware of the penalties
5 for violating the pledging rules; that it is a misdemeanor,
6 and upon conviction the violator must be fined not more
7 than a thousand dollars or imprisoned not more than 90
8 days?

9 A. Yes.

10 MS. DEAN: I would note that the Low Country
11 Citizens Committee reported that Judge Goodstein is
12 qualified as to the areas of constitutional qualification,
13 mental health and physical criteria. They found her well
14 qualified in the remaining criteria.

15 I would just note for the record, any
16 concerns raised during this investigation regarding the
17 candidate, were incorporated into today's questioning.

18 I have no further questions.

19 REPRESENTATIVE CLEMMONS: Thank you very
20 much, Ms. Dean. Does any member of the Commission have a
21 question? Mr. Mack?

22 REPRESENTATIVE MACK: Thank you, Mr.
23 Chairman.

24 Judge Goodstein, very good to see you --

25 JUDGE DICKSON: You too.

1 REPRESENTATIVE MACK: -- this morning. I
2 have to say I appreciate your service. And you have a very
3 good reputation from -- from what I've heard over the
4 years, and knowing you. And I just appreciate your
5 service. I just wanted to say that you are -- your husband
6 was a mentor of mine in the late '70s, when I got out of --
7 out of college. So I'm very fond of the Goodstein name.
8 So --

9 JUDGE GOODSTEIN: Thank you so much for
10 that. That means so much. And he was my mentor too.

11 (Off-the-record discussion.)

12 REPRESENTATIVE CLEMMONS: Thank you, Mr.
13 Mack. Yes, Ms. Wall.

14 MS. WALL: Judge Goodstein, I've had the
15 pleasure and opportunity to appear before you many, many
16 times. And I wanted to thank you not only for your
17 service, but also for your service showing great enthusiasm
18 for the law. And as a practicing attorney, your listening
19 skills, your always allowing attorneys and litigants to
20 fully have their say. And, but again, your positive
21 attitude and your -- and your enthusiasm for the law is
22 greatly appreciated.

23 JUDGE DICKSON: And coming from you, Ms.
24 Wall, is a --

25 MS. WALL: Thank you.

1 JUDGE DICKSON: -- is a -- is a wonderful
2 compliment. Thank you so much.

3 MS. WALL: Thank you for your service.

4 REPRESENTATIVE CLEMMONS: Thank you, Ms.
5 Wall. Any other comments or questions?

6 (No response.)

7 REPRESENTATIVE CLEMMONS: Well, Judge
8 Goodstein, we thank you so much. This concludes this
9 portion of the screening process. You may be called back
10 at a later time, inasmuch as the report will remain open,
11 until it is published. We doubt that will be the case, but
12 it could happen.

13 With that, we thank you so much for your
14 service to South Carolina by serving on the bench. And we
15 appreciate you being here today.

16 SENATOR MALLOY: Mr. Chair?

17 REPRESENTATIVE CLEMMONS: Yes, Senator
18 Malloy.

19 SENATOR MALLOY: And before we vote, I will
20 put on the record that Judge Goodstein did hear a case at
21 least about ten years ago, that involved me, which was a
22 frivolous proceeding that was filed against me.

23 SENATOR MARTIN: Did she sanction the other
24 party?

25 SENATOR MALLOY: She did. And --

1 SENATOR MARTIN: Good.

2 SENATOR MALLOY: And needed to.

3 SENATOR MARTIN: Good.

4 SENATOR MALLOY: And it was affirmed by the
5 Supreme Court. And so I just say that just before we end
6 up voting.

7 SENATOR MARTIN: Good.

8 REPRESENTATIVE CLEMMONS: Thank you for that
9 disclosure, Senator Malloy.

10 Thank you so much, Judge Goodstein.

11 JUDGE GOODSTEIN: Thank you-all so much as
12 well --

13 REPRESENTATIVE CLEMMONS: And thank you to
14 your family --

15 JUDGE GOODSTEIN: -- thank you for your
16 service --

17 REPRESENTATIVE CLEMMONS: -- for being here
18 with you today.

19 JUDGE GOODSTEIN: Thank you. Thank you,
20 kindly.

21 (Candidate excused.)

22 REPRESENTATIVE CLEMMONS: Judge Early, thank
23 you so much for being with us today.

24 JUDGE EARLY: Thank you.

25 REPRESENTATIVE CLEMMONS: Thank you for your

1 patience.

2 JUDGE EARLY: Thank you.

3 REPRESENTATIVE CLEMMONS: And thank you for
4 your service on the bench.

5 JUDGE EARLY: Almost 12 years now. Seems
6 like it was yesterday.

7 REPRESENTATIVE CLEMMONS: We've been
8 reminded that we're sure that you could be accomplishing a
9 great deal more today by being on the bench than being here
10 with us. But we appreciate your presence, as do the
11 public, as we go through this process.

12 JUDGE EARLY: Well, we'll be back in Aiken
13 by 1:30. We've got a full afternoon.

14 REPRESENTATIVE CLEMMONS: I'm sure you'll
15 take advantage of every moment of it. Thank you, sir.

16 You have a guest with you today, I believe.
17 Would you please introduce your guest.

18 JUDGE EARLY: This is Marty Dennis. And she
19 is Senator Rembert Dennis' niece, and she's my law partner.
20 She's done a wonderful job. She drove up from Bamberg with
21 me, today, so we can go back. Marty?

22 REPRESENTATIVE CLEMMONS: Welcome, Ms.
23 Dennis. It's good to have you --

24 JUDGE EARLY: I told them they named the
25 Dennis building after her, and she said, "No, I think that

1 was my uncle."

2 REPRESENTATIVE CLEMMONS: He certainly left
3 a large impression --

4 JUDGE EARLY: He did.

5 REPRESENTATIVE CLEMMONS: -- upon the
6 history of South Carolina.

7 JUDGE EARLY: Her dad was Senator Dennis'
8 brother, Dr. Billy Dennis, who was with the Medical
9 University up here in Columbia.

10 REPRESENTATIVE CLEMMONS: Wonderful. Judge
11 Early, would you raise your right hand and be sworn.

12 WHEREUPON:

13 THE HONORABLE DOYET A. EARLY, III, being
14 duly sworn and cautioned to speak the truth, the
15 whole truth and nothing but the truth, testifies
16 as follows:

17 REPRESENTATIVE CLEMMONS: Judge Early, you
18 provided this Commission with a personal data
19 questionnaire. Are your responses to the personal data
20 questionnaire is -- are those responses complete and
21 correct?

22 JUDGE EARLY: They are.

23 REPRESENTATIVE CLEMMONS: Is it in need of
24 any amendment at this time?

25 JUDGE EARLY: Not that I'm aware of.

1 REPRESENTATIVE CLEMMONS: Do you have any
2 objection to that personal data questionnaire being
3 included in the record as a part of your sworn testimony
4 today?

5 JUDGE EARLY: I do not.

6 REPRESENTATIVE CLEMMONS: Thank you. Is
7 there any objection?

8 (No response.)

9 REPRESENTATIVE CLEMMONS: Hearing none, so
10 ordered.

11 (EXHIBIT NO. 8 - Judicial Merit Selection
12 Commission Personal Data Questionnaire for Doyet
13 A. Early, III dated August 14th, 2015)

14 REPRESENTATIVE CLEMMONS: Judge Early, this
15 -- this Commission has thoroughly investigated your -- your
16 qualifications for continuing -- for continuation on the
17 bench. And our inquiry and investigation has focused on
18 the nine evaluative criteria dictated by statute in South
19 Carolina.

20 We've received no affidavits in opposition
21 to your election. Congratulations. And there are not
22 witnesses to testify, other than yourself.

23 You have met your screening attorney,
24 previously. And we would ask that you direct to her. And
25 please respond to her questions.

1 JUDGE EARLY: And she has been wonderful.
2 She's been so helpful. And she's easy to work with. And I
3 thank her for all she's done for me.

4 REPRESENTATIVE CLEMMONS: She is a great
5 credit to the General Assembly.

6 JUDGE EARLY: She certainly is.

7 MS. BENSON: Thank you, Mr. Chairman. Thank
8 you, Judge. I appreciate that.

9 Judge Early, you have before you the sworn
10 statement that you provided, with detailed answer to over
11 thirty questions, as well as the PDQ which was previously
12 introduced. And that included an amended answer that you
13 had to Question No. 33, about a youthful indiscretion that
14 I'm going to question you about a little bit later. But
15 this matter has been disclosed in previous screenings.

16 You have no additional amendments to add to
17 any of these documents at this time?

18 JUDGE EARLY: No, I do not.

19 MS. BENSON: Thank you. And, Mr. Chairman,
20 I'd ask that these be included in the record.

21 REPRESENTATIVE CLEMMONS: Thank you very
22 much. Ms. Benson, if this is a matter -- you mentioned a
23 matter that we would go back through again, if it's been
24 covered in a previous screening, I don't think we need to
25 go back through that again.

1 MS. BENSON: Thank you, Mr. Chairman.

2 (EXHIBIT NO. 9 - Judicial Merit Selection
3 Commission Sworn Statement of Doyet A. Early,
4 III, dated July 31st, 2015)

5 EXAMINATION BY MS. BENSON:

6 Q. Judge Early.

7 A. Yes, ma'am.

8 Q. After serving almost 12 years, now, in the
9 circuit court, why do you want to continue in serving as a
10 circuit court judge?

11 A. Well, I've enjoyed it. It's probably the
12 greatest job you can have if you're a lawyer. And I feel
13 like I'm doing a good job in the circuit and throughout the
14 state. And I want to continue at least until I'm 72, which
15 is just four more years. I'm getting close.

16 But I just don't think I can sit at home, either.
17 I have to be doing something. And I truly have a great
18 personnel in the 2nd Circuit. Our solicitor does a
19 wonderful job. And we've got our dockets in super shape.
20 So I enjoy serving. It's been a wonderful change from
21 practicing law over 30 years. And I like being around all
22 the young people, too, all the lawyers and being -- having
23 interaction with them is just -- is just a good job. It's
24 a good position, a good -- I like it.

25 Q. Judge, could you tell us about -- tell us,

1 **briefly, about one of your accomplishments during your**
2 **tenure, and any goal that you might have upon reelection.**

3 A. I suspect that my biggest accomplishment on being
4 on the bench was the handling of the derailment case in
5 Graniteville. I'd just been on the bench about six months
6 when the train derailed on January the 6th of my second
7 year. And out of that, some five, six, seven, eight
8 hundred cases came out of it -- some in a class action,
9 which went to the federal courts, but a lot in my court.
10 And we were able to resolve all of them, with only one
11 trial. And we worked very hard to accomplish that. And I
12 think that's my biggest accomplishment of -- as a trial
13 judge.

14 What I would like to accomplish before I get off
15 the bench? I would like to finish James Brown. We --
16 we've been working on James Brown a long time. We had it
17 settled -- all parties had it settled, and the Supreme
18 Court said, no, it shouldn't be settled. So it has come
19 back to me, full-blown. But we've now moved it along in a
20 posture. We've got a -- the main trial now set for the
21 middle of next year. And, hopefully, that will get it down
22 the road again so it can go back to the Supreme Court. But
23 if I could get that done, that would be a great
24 accomplishment.

25 **Q. Judge, you received 558 ballot box surveys, 22**

1 with additional comments. They contained many positive
2 comments, saying that you were an excellent judge, with a
3 wonderful demeanor who is fair, no-nonsense, and applies
4 rules evenhandedly.

5 There were six comments that expressed some
6 negative concerns, and those fall into two different
7 categories. The first category was concerning display of
8 temper in the courtroom, and acting as a bully. What
9 response would you offer to this comment?

10 A. I have -- I have no idea how that comes about. I
11 try to be even-tempered. I try to be -- treat everyone
12 fairly. You know, somebody may have caught me on a bad
13 day, maybe somebody had a bad ruling. I just don't know.
14 It's anonymous. I have really no idea how to respond to
15 it.

16 But like I told you, if I was going to anger
17 management, maybe that will help. No, seriously, I just --
18 I don't know how -- I've never had anybody complain. But
19 only five out of all that's I guess a pretty good average.

20 Q. Yes, sir. The other -- the other category was
21 that you displayed bias in favor of plaintiffs.

22 A. Well, when you make rulings, I assume some people
23 think you're biased towards one side or the other. I was
24 practicing in Bamberg for 30 years, and I did lot of
25 plaintiffs work. I also did a lot of defense work. And

1 maybe, perhaps, some people perceive rulings that go
2 adverse to me being biased. I certainly try not to be. I
3 hope I'm not. And I'm conscious of that as I move along.
4 But we do a --

5 **Q. Judge --**

6 A. We do a lot civil work. We have our civil docket
7 in good shape. And I haven't had anybody complain to me,
8 other than that anonymous.

9 **Q. Judge, there were a couple of matters that you**
10 **disclosed on your PDQ, about lawyers. One of which, you**
11 **were sued by a former client. Could you please explain the**
12 **nature and the disposition of those lawyers?**

13 A. I reported a man named Willie Carver, who was --
14 who had killed his wife, or alleged to have killed his
15 wife. He was found guilty in Barnwell County. He after
16 the fact filed a case against me -- or a suit against me
17 alleging that I did not perfect his appeal, didn't file a
18 notice of appeal. That case was dismissed with prejudice,
19 and an affidavit from the Supreme Court that I had timely
20 filed a notice of appeal.

21 **Q. Judge, there also was a record that came back**
22 **from SLED, listing you as a plaintiff in a securities**
23 **commodities lawsuit. If you could please explain the**
24 **nature and the disposition of that suit.**

25 A. That's interesting. The only gift I ever got

1 from my father-in-law was about \$10,000. And my wife and
2 I, at my suggestion, we invested in PMS-Policy Management
3 Systems. And in just a short period of time after that,
4 PMS stock went from whatever it was to zero and they went
5 out of business. So we lost all of our money. There was a
6 class action case filed, alleging a certain security
7 clause, and we were the representing plaintiff in that
8 case. It was resolved later on. I don't think I got very
9 much out of it.

10 **Q. Thank you, Judge. A few housekeeping rules --**

11 A. That was before I went on the bench.

12 **Q. Yes, sir. A few housekeeping issues.**

13 A. Yes, ma'am.

14 **Q. Have you sought or received a pledge or any**
15 **legislator prior to this date?**

16 A. I have not.

17 **Q. Have you sought or have you been offered a**
18 **condition pledge of support of any legislator --**
19 **legislator, pending the outcome of this hearing?**

20 A. I have not.

21 **Q. Have you asked any third parties to contact**
22 **members of the General Assembly?**

23 A. No, ma'am.

24 **Q. Are you aware of anyone attempting to intervene**
25 **in any part of this process on your behalf?**

1 A. No, ma'am.

2 Q. Have you contacted any members of the Commission?

3 A. No, ma'am.

4 Q. Are you familiar with the 48-hour rule?

5 A. I certainly am.

6 Q. Have you reviewed the Commission's guidelines on
7 pledging?

8 A. I have.

9 Q. And are you aware of the violation being a
10 misdemeanor, to violate the pledging rules, punishable by
11 up to a hundred dollar -- up to a thousand dollar fine and
12 imprisonment of not more than 90 days?

13 A. I am.

14 MS. BENSON: I would note that the Midlands
15 Citizens Committee found Judge Early well qualified in the
16 evaluative criteria of ethical fitness, professional and
17 academic ability, character, reputation, experience and
18 judicial temperament. They found him qualified in the
19 criteria of constitutional qualifications, physical health,
20 and mental stability.

21 In a comment, the Committee stated they felt
22 Judge Early was a hardworking, fair and dedicated jurist,
23 his people skills and his intelligence also make him an
24 outstanding circuit court judge. In summary, the Committee
25 stated, "Judge Early is a credit to the South Carolina

1 circuit court, possessing all of the traits most sought
2 after for that position."

3 I would note for the record that any concerns
4 raised during the investigation regarding this candidate
5 have been incorporated into the questioning today.

6 And, Mr. Chairman, I have no further
7 questions.

8 REPRESENTATIVE CLEMMONS: Thank you very
9 much, Ms. Benson. Do any Commission members have any
10 questions?

11 SENATOR MARTIN: Mr. Chair?

12 REPRESENTATIVE CLEMMONS: Yes, Senator
13 Martin, you're recognized.

14 JUDGE EARLY: Hello, Senator.

15 SENATOR MARTIN: Hey, Judge. Thank you for
16 being here today. We appreciate your service.

17 JUDGE EARLY: Well, I thank you for all
18 y'all do for us too.

19 SENATOR MARTIN: Delighted.

20 EXAMINATION BY SENATOR MARTIN:

21 Q. Let me just ask you. We -- I've asked -- we have
22 been in this part of the screening just this morning, but I
23 am current as to what your views are on our Frivolous
24 Proceedings statute. Have you ever had occasion to
25 sanction someone for --

1 A. No, sir. I have been -- eleven and a half years,
2 and I've never had a frivolous proceeding brought in my
3 courtroom. Anybody's ever tried to move that it was a
4 frivolous case, I've -- we've just never had it -- I've
5 never had it. And I assume it's got its place. And,
6 obviously, sometimes I think these cases are frivolous.
7 But to the litigants, it's the biggest thing in their
8 lives, mostly -- most of the time.

9 **Q. Sure.**

10 A. And I have not had the opportunity to have to
11 employ that statute. But if it serves its purpose, in
12 certain situations. But maybe that's where that temper
13 came in that day; I thought it was frivolous.

14 **Q. Well, agreed. And, you know, my view of it is,**
15 **is that there's -- there's a huge number of filings.**

16 A. There are.

17 **Q. And you just got to wonder if all of them meet**
18 **the standard --**

19 A. They don't, Senator. But you'd be surprised at
20 the number of them that we get rid of by way of pretrial
21 matters, you know, "That case just really doesn't have any
22 merit. You know, you may ought to spend your time doing
23 something else."

24 Just a comment like that can oftentimes make the
25 lawyers realize, you know, "This is not much to this. We

1 need to move it out and go do something else."

2 **Q. Thank you very much.**

3 A. Thank you.

4 REPRESENTATIVE CLEMMONS: Thank you, Senator
5 Martin. Any other questions?

6 (No response.)

7 REPRESENTATIVE CLEMMONS: Hearing none,
8 Judge Early, we want to thank you very much for being here
9 today.

10 JUDGE EARLY: Thank you.

11 REPRESENTATIVE CLEMMONS: Thank you for
12 service on the bench.

13 JUDGE EARLY: Y'all have a wonderful day.
14 Thank you.

15 REPRESENTATIVE CLEMMONS: That will conclude
16 this portion of the -- of our screening process. Judge, we
17 -- as you know, the record will remain open. And there is
18 a possibility you could be called back until such time --

19 JUDGE EARLY: I'm available.

20 REPRESENTATIVE CLEMMONS: Thank you so much
21 for your service and for being here with us today.

22 JUDGE EARLY: Thank you very much. Thank
23 y'all.

24 REPRESENTATIVE CLEMMONS: Have a good day.

25 (Candidate excused.)

1 REPRESENTATIVE CLEMMONS: Good morning,
2 Judge Cothran.

3 JUDGE COTHRAN: Good morning.

4 REPRESENTATIVE CLEMMONS: Good to have you
5 with us here today.

6 JUDGE COTHRAN: Thank you.

7 REPRESENTATIVE CLEMMONS: First of all, let
8 me apologize on behalf of the Commission, that we are
9 distracting you from your busy and demanding responsibility
10 on the bench. We know you could be accomplishing a lot
11 here today, but we appreciate you being here so that we can
12 go through this process, formally, with all of our judges
13 and give some increased level of confidence to -- to the
14 citizens of South Carolina, that we're all keeping our eye
15 on the ball.

16 Have you -- as you will recall, you produced
17 answers to the personal data questionnaire sometime ago.
18 Is that personal data questionnaire complete and correct --
19 correct and up-to-date?

20 JUDGE COTHRAN: Yes, as far as I know.

21 REPRESENTATIVE CLEMMONS: It is in no need
22 of amendment at this time?

23 JUDGE COTHRAN: Not that I'm aware of.

24 REPRESENTATIVE CLEMMONS: Thank you. Judge,
25 would you have any objection to it being included as a part

1 of the record of your sworn testimony today?

2 JUDGE COTHRAN: No, I do not.

3 REPRESENTATIVE CLEMMONS: Thank you. Are
4 there any objections?

5 (No response.)

6 REPRESENTATIVE CLEMMONS: Hearing none, it's
7 so ordered.

8 (EXHIBIT NO. 10 - Judicial Merit Selection
9 Commission Personal Data Questionnaire of Ralph
10 Ferrell Cothran, Jr. dated July 31st, 2015)

11 REPRESENTATIVE CLEMMONS: Judge, the
12 Judicial Merit Selection Commission has thoroughly
13 investigated your qualifications for continuing to serve on
14 the bench. We have been guided in that process by the nine
15 evaluative criteria that are dictated by statute.

16 We've received no affidavits filed in
17 opposition to your election. Congratulations. And there
18 are no witnesses here to testify today, other than
19 yourself.

20 You have previously met your screening
21 attorney, and we would ask that you respond to his
22 questions.

23 JUDGE COTHRAN: Okay.

24 REPRESENTATIVE CLEMMONS: Thank you.

25 MR. DAVIDSON: Judge Cothran, you should

1 have before you the sworn statement you provided to the
2 Commission. Are there any amendments you'd like to make at
3 this time?

4 JUDGE COTHRAN: No.

5 MR. DAVIDSON: Mr. Chairman, I'd like to ask
6 the Judge Cothran's sworn statement be entered as an
7 exhibit.

8 REPRESENTATIVE CLEMMONS: Is there any
9 objection?

10 (No response.)

11 REPRESENTATIVE CLEMMONS: Hearing none, it's
12 so ordered.

13 (EXHIBIT NO. 11 - Judicial Merit Selection
14 Commission Sworn Statement of Ralph Ferrell
15 Cothran, Jr. dated July 31st, 2015)

16 EXAMINATION BY MR. DAVIDSON:

17 **Q. Judge Cothran, after serving for nine years as a**
18 **circuit court judge, could you please explain to the**
19 **Commission why you'd like to continue to serve?**

20 A. Okay. I have enjoyed serving the citizens of
21 South Carolina, the last ten years. It's been a pleasure
22 and an honor. I have tried to create an environment in my
23 courtroom, where the citizens have a fair and unbiased
24 opportunity to resolve their differences. And I spent many
25 years on the other side of the bench, trying cases. And

1 any time you come to court, it's stressful. And it's
2 stressful for the litigants, it's stressful to everyone
3 there.

4 And so I've done everything I can as a judge to
5 not to increase that stress. It is -- it's easy for this
6 job to go to your head. It is not about me. It is about
7 the citizens of this state. And so I've done everything I
8 can as a judge to be sure that my mood, my personality
9 doesn't enter in to the equation whatsoever. It's created
10 an environment where they feel comfortable in litigating.
11 And for me to do my job fairly, and know the rules of
12 evidence, and try to present a forum that they can resolve
13 their differences.

14 And I've traveled throughout the state. I've
15 enjoyed it. I've met a lot of great people. And we have
16 an incredible state, and we've got an incredible bunch of
17 lawyers and clerks of courts and staff. And I have really
18 enjoyed the job. And, hopefully, I can serve the citizens
19 in the future.

20 **Q. Thank you.**

21 **A. It's a great job.**

22 **Q. Judge Cothran, as you know, the Commission**
23 **received 326 ballot box surveys regarding your candidacy,**
24 **with nine additional comments. The ballot box survey, for**
25 **example, contained the following positive comments:**

1 **"A true giant of a judge. Fairest, most**
2 **professional, most efficient, most experienced and most**
3 **well regarded judge in the state."**

4 MR. DAVIDSON: Mr. Chairman, I'm pleased to
5 report that zero of the written comments expressed
6 concerns.

7 EXAMINATION RESUMED BY MR. DAVIDSON:

8 **Q. Judge Cothran, at this time I have just a few**
9 **housekeeping questions to roll through, quickly. Have you**
10 **sought or received a pledge of any legislator prior to this**
11 **date?**

12 A. No.

13 **Q. Have you sought or have you been offered a**
14 **conditional pledge of support of any legislator, pending**
15 **the outcome of your screening?**

16 A. No.

17 **Q. Have you asked any third parties to contact**
18 **members of the General Assembly on your behalf?**

19 A. No.

20 **Q. Are you aware of anyone attempting to intervene**
21 **in any part of the process on your behalf?**

22 A. No.

23 **Q. Have you contacted any members of this**
24 **Commission?**

25 A. No.

1 Q. Do you understand that you are prohibited from
2 seeking a pledge or a commitment till 48 hours after the
3 formal release of the Commission's report?

4 A. Yes, I do.

5 Q. Have you reviewed the Commission's guidelines on
6 pledging?

7 A. Yes, I do -- I have.

8 Q. As a follow-up, are you aware of the penalties
9 for violating the pledging rules; that is, it is a
10 misdemeanor, and upon conviction the violator must be fined
11 not more than one thousand dollars or imprisoned not more
12 than 90 days?

13 A. Yes.

14 MR. DAVIDSON: I would also note that the
15 Pee Dee Citizens Committee reported Judge Cothran was
16 qualified in the criteria of constitutional qualifications,
17 physical health and mental stability. The Committee found
18 him well qualified in all of the remaining criteria. I
19 would also note that any concerns raised regarding the
20 candidate during the investigation were incorporated into
21 my questioning today.

22 Mr. Chairman, I have no further questions.

23 REPRESENTATIVE CLEMMONS: Thank you very
24 much. And do any members of the Commission have any
25 questions? Yes, Dean?

1 MR. WILCOX: I don't have a question. I
2 just -- I think it is wonderful to have a candidate -- or a
3 judge -- sitting judge come before us with the -- the
4 comments that they got in the -- the clear sense you have
5 of not adding to the pressure of being in the courtroom and
6 instead resolving that. I just thank you very much for
7 bringing that record to us.

8 JUDGE COTHRAN: Thank you.

9 SENATOR MARTIN: Mr. Chairman?

10 REPRESENTATIVE CLEMMONS: Senator Martin,
11 you're recognized.

12 SENATOR MARTIN: Judge, I wanted to echo
13 that. Demeanor is very, very important, and temperament in
14 a judge. You've obviously demonstrated your understanding
15 of that, since there were no anonymous comments. Which I
16 sometimes wonder about, just how unfair that can be, 'cause
17 you don't even know what the circumstances were, or
18 anything like that. But I just appreciate your service and
19 your willingness to continue to serve. You're obviously
20 putting yourself very admirably. And we appreciate your
21 service.

22 JUDGE COTHRAN: Thank you so much.

23 REPRESENTATIVE CLEMMONS: Senator Malloy?

24 SENATOR MALLOY: Mr. Chairman, I'd just
25 echo. And I've worked with him before -- before he was a

1 judge and since he's been a judge, and I echo the comments.

2 JUDGE COTHRAN: Thank you, Senator.

3 REPRESENTATIVE CLEMMONS: Judge Cothran,
4 thank you so much. That concludes this portion of our
5 screening process. As you know, the record will remain
6 open until the report's published. And you may be called
7 back at such time, if that need should arise.

8 Again, we thank you for your service to
9 South Carolina on the bench, and we look forward to many
10 years more. Thank you, sir.

11 JUDGE COTHRAN: Thank you so much.

12 (Candidate excused.)

13 REPRESENTATIVE CLEMMONS: We're going to
14 take a five-minute break.

15 (Off the record.)

16 REPRESENTATIVE CLEMMONS: Good morning,
17 Judge Gibbons.

18 JUDGE GIBBONS: Good morning.

19 REPRESENTATIVE CLEMMONS: It's good to have
20 you with us today.

21 JUDGE GIBBONS: I'm glad to be here. Thank
22 you.

23 REPRESENTATIVE CLEMMONS: We know that you
24 can be doing great things on the bench today. And we
25 appreciate you taking the time to be with us.

1 JUDGE GIBBONS: Yes, sir.

2 REPRESENTATIVE CLEMMONS: Judge Gibbons, if
3 you'd please raise your right hand and be sworn.

4 WHEREUPON:

5 THE HONORABLE BRIAN M. GIBBONS, being duly
6 sworn and cautioned to speak the truth, the whole truth and
7 nothing but the truth, testifies as follows:

8 REPRESENTATIVE CLEMMONS: If you will
9 recall, you provided rather detailed list boxes to your
10 personal data questionnaire. Are those responses correct
11 today? Or is it in need of any amendment or change?

12 JUDGE GIBBONS: It is correct as of today.

13 REPRESENTATIVE CLEMMONS: Do you have any
14 objection to it being made a part of the record of your
15 testimony?

16 JUDGE GIBBONS: I do not.

17 REPRESENTATIVE CLEMMONS: Is there any
18 objection by any Commission member?

19 (No response.)

20 REPRESENTATIVE CLEMMONS: Hearing none, it's
21 so ordered.

22 (EXHIBIT NO. 12 - Judicial Merit Selection
23 Commission Personal Data Questionnaire of Brian
24 M. Gibbons dated August 5th, 2015)

25 REPRESENTATIVE CLEMMONS: Judge, the

1 Judicial Merit Selection Commission has thoroughly
2 investigated your qualifications for continuation on the
3 bench. Our investigation and inquiry has been focused on
4 nine statutory evaluative criteria.

5 At this point in time, we would like to turn
6 the time over to your screening attorney, and ask that you
7 respond to his questions.

8 JUDGE GIBBONS: Okay.

9 MR. STIMSON: Good morning, Judge Gibbons.

10 JUDGE GIBBONS: Good morning.

11 MR. STIMSON: You have before you the sworn
12 statement you provided with detailed answers to over thirty
13 questions.

14 At this time, Mr. Chairman, I'd like to ask
15 that Judge Gibbons sworn statement -- are there any
16 amendments you would like to make at this time to your
17 sworn statement, Judge Gibbons?

18 JUDGE GIBBONS: No, sir.

19 MR. STIMSON: At this time, Mr. Chairman,
20 I'd like to ask that Judge Gibbons sworn statement be
21 entered as an exhibit into the hearing record.

22 REPRESENTATIVE CLEMMONS: Are there any
23 objections?

24 (No response.)

25 REPRESENTATIVE CLEMMONS: Hearing none, so

1 ordered

2 (EXHIBIT NO. 13 - Judicial Merit Selection
3 Commission Personal Data Questionnaire for Brian
4 M. Gibbons dated August 3rd, 2015)

5 EXAMINATION BY MR. STIMSON:

6 **Q. Judge Gibbons, after serving two years on the**
7 **circuit court, why do you want to continue serving as a**
8 **circuit court judge?**

9 A. Well, I love my job. I love the -- what -- the
10 ability that the job gives me to help others, to help the
11 state of South Carolina, and our local community. I enjoy
12 what I do. I think I am good at it. And it's just -- it's
13 been a blessing to serve my state in this capacity. And I
14 wish to continue to do so.

15 **Q. Thank you, sir. Judge Gibbons, the Commission**
16 **received 329 ballot box surveys regarding you, with 21**
17 **additional comments. The ballot box survey contained the**
18 **following positive comments:**

19 "Poster child for what a circuit court judge
20 should be. Top notch. Judge Gibbons is an asset to the
21 judiciary in the state of South Carolina."

22 One of the written comments expressed concerns.
23 It indicated that you issued an illegal sentence, which was
24 house arrest over mandatory minimum time, for the client of
25 the legislator. What response would you offer to this

1 **concern?**

2 A. I recall that sentence well, because it's come up
3 several times when I've been residing in criminal court, is
4 dealing with a nonviolent adult -- a low-risk adult
5 offender charged with trafficking in marijuana. As I
6 recall that case, it was just over the threshold to make it
7 trafficking. The offender had no prior record. And, you
8 know, I used my discretion -- which I believe I'm allowed
9 under the ambiguity in the statute of legislative intent --
10 to order house arrest.

11 I believe the sentence on that case, I maxed him
12 out at ten years. I suspended it upon a one-year mandatory
13 minimum. I just allow him to serve it on house arrest, and
14 I gave him -- if I -- if I'm correct, five years of
15 probation on top of that.

16 That issue's come up numerous times, not just in
17 front of me, but other judges. It's my understanding that,
18 that issue is being addressed by the Legislature. I hope
19 it's addressed, because there's a difference between what's
20 classified as a violent crime under the drug statutes
21 versus a nonviolent, low-risk offender. And that's the
22 ambiguity upon which I relied in sentencing the way I did.

23 **Q. Thank you. I just have a few housekeeping issues**
24 **to finish up with, Judge Gibbons. Have you sought or**
25 **received a pledge of any legislator prior to this date?**

1 A. No.

2 Q. Have you sought or have you been offered a
3 conditional pledge of support of any legislator, pending
4 the outcome of your screening?

5 A. No.

6 Q. Have you asked any third parties to contact
7 members of the General Assembly on your behalf?

8 A. No.

9 Q. Are you aware of anyone attempting to intervene
10 in any part of this process on your behalf?

11 A. No.

12 Q. Have you contacted any members of this
13 Commission?

14 A. No.

15 Q. Do understand that you are prohibited from
16 seeking a pledge or commitment until 48 hours after the
17 formal release of the Commission's report?

18 A. Yes.

19 Q. Have you reviewed the Commission's guidelines on
20 pledging?

21 A. Yes.

22 Q. As a follow-up, are you aware of the penalties
23 for violating the pledging rules; that is, it is a
24 misdemeanor, and upon conviction the violator must be fined
25 not more than one thousand dollars or imprisoned not more

1 **than 90 days?**

2 A. Yes.

3 **Q. Thank you, Judge Gibbons.**

4 MR. STIMSON: At this time, I would note
5 that the Piedmont Citizens Committee found Judge Gibbons
6 qualified in the evaluative criteria of constitutional
7 qualifications, physical health, and mental stability. The
8 Piedmont Citizens Committee found Judge Gibbons well
9 qualified in the evaluative criteria of ethical fitness,
10 professional and academic ability, character, reputation,
11 experience, and judicial temperament.

12 I would note that the Piedmont Citizens
13 Committee reported that Judge Gibbons is a hardworking and
14 enthusiastic judge, who combines a great deal of
15 thoughtfulness and common sense. The Committee was struck
16 by his evident diligence and conscientiousness, and
17 considers him a fine circuit court judge.

18 I would note for the Committee, and for the
19 record, that any concerns raised during the investigation
20 regarding Judge Gibbons were incorporated into the
21 questioning of him today.

22 Mr. Chairman, I have no further questions.

23 REPRESENTATIVE CLEMMONS: thank you very
24 much. Do any commission members have questions of Judge
25 Gibbons? Senator Malloy is recognized.

1 SENATOR MALLOY: I just will say that he is
2 very practical. I've seen the response to the question on
3 physical health. And as a plus-guy, I appreciate it. I've
4 had a chance to witness him over the years, and he does
5 take his personality with him. He's a practical judge. He
6 plays a guitar okay. And he entertains the judges at all
7 the conferences. And I think that, that's a real testament
8 as to a -- that they have to take their personalities with
9 them. And I appreciate the comments that they made as to
10 his service on the bench. He's made the transition from
11 the family court to the circuit court, since.

12 So thank you for that, Judge.

13 JUDGE GIBBONS: Thank you, sir.

14 REPRESENTATIVE CLEMMONS: Other questions?

15 (No response.)

16 REPRESENTATIVE CLEMMONS: Hearing none,
17 Judge Gibbons, thank you so much for being with us today.
18 Thank you for your service to South Carolina, by being on
19 the bench.

20 As you know, the record will remain open
21 until your report is published. And you could be called
22 back at such time, if that need should arise. Until then,
23 thank you so much. Again, we appreciate it.

24 JUDGE GIBBONS: I thank all of you-all.

25 (Candidate excused.)

1 REPRESENTATIVE CLEMMONS: Judge Addy, it's
2 good to have you with us today.

3 JUDGE ADDY: Good to see you, sir.

4 REPRESENTATIVE CLEMMONS: Thank you. We
5 know you could be accomplishing a great deal by being on
6 the bench today. But we appreciate you taking the time to
7 be with us.

8 JUDGE ADDY: I appreciate you having me.
9 Thank you.

10 REPRESENTATIVE CLEMMONS: Judge Addy, if we
11 could start by swearing you in.

12 JUDGE ADDY: Yes, sir.

13 REPRESENTATIVE CLEMMONS: Would you raise
14 your right hand.

15 WHEREUPON:

16 THE HONORABLE FRANK ROBERT ADDY, JR., being
17 duly sworn and cautioned to speak the truth, the whole
18 truth and nothing but the truth, testifies as follows:

19 REPRESENTATIVE CLEMMONS: Before we get into
20 the meat of the matter, I think you have a special guest
21 with you.

22 JUDGE ADDY: I do. This is my son. Some of
23 y'all know Robert. But he is in -- he's 17 and in the 11th
24 grade. And my wife could not make it today, so he
25 volunteered last night to miss school and come up here.

1 REPRESENTATIVE CLEMMONS: Well, you've got a
2 good support team. Robert, it's good to have you with us
3 today.

4 Judge, thank you so much for taking the time
5 to be with us. If you will recall, you provided responses
6 to the personal data questionnaire that was provided to
7 you. Is that correct today? Or is it in need of any
8 change or amendment?

9 JUDGE ADDY: I did have one amendment. And
10 it just relates to CLEs that I have attended since I filed
11 it. I don't know if you necessarily want that amended, but
12 that's the --

13 REPRESENTATIVE CLEMMONS: Okay. We will be
14 happy to take that. We'll have staff come up and receive
15 it from you.

16 JUDGE ADDY: Thank you.

17 REPRESENTATIVE CLEMMONS: With regard to
18 personal data questionnaire as now amended, would you have
19 any objection to having it included as a part of the record
20 --

21 JUDGE ADDY: No.

22 REPRESENTATIVE CLEMMONS: -- of your sworn
23 testimony today? Is there any objection by Commission
24 member?

25 (No response.)

1 REPRESENTATIVE CLEMMONS: Hearing none, it's
2 so ordered.

3 (EXHIBIT NO. 14 - Judicial Merit Selection
4 Commission Personal Data Questionnaire of Frank
5 Robert Addy, Jr. dated August 4th, 2014)

6 (EXHIBIT NO. 15 - Requested Amendment to
7 Personal Data Questionnaire of Frank Robert Addy,
8 Jr. dated November 18th, 2015)

9 REPRESENTATIVE CLEMMONS: Judge Addy, the
10 Judicial Merit Selection Commission has thoroughly
11 investigated your qualifications for continuation on the
12 bench. As a part of that investigation, we have focused on
13 the nine statutory evaluative criteria. There are no
14 witnesses present to testify today against you, and there
15 have been no affidavit filed in opposition to your
16 election. Congratulations.

17 JUDGE ADDY: Good.

18 REPRESENTATIVE CLEMMONS: At this point we
19 would like to turn it over to your screening attorney, and
20 we'd ask you to respond to these questions.

21 JUDGE ADDY: Certainly.

22 MR. STIMSON: Good morning, Judge Addy.

23 JUDGE ADDY: Good morning.

24 MR. STIMSON: You have before you the sworn
25 statement you provided, with detailed answers to over

1 thirty questions. Are there any amendments you would like
2 to make at this time to your sworn statement?

3 JUDGE ADDY: No, sir. That's accurate.

4 MR. STIMSON: Thank you. At this time, Mr.
5 Chairman, I'd like to ask that Judge Addy's sworn statement
6 be entered as an exhibit into the hearing record.

7 REPRESENTATIVE CLEMMONS: Is there any
8 objection?

9 (No response.)

10 REPRESENTATIVE CLEMMONS: Hearing none, so
11 ordered.

12 (EXHIBIT NO. 16 - Judicial Merit Selection
13 Commission Sworn Statement of Frank Robert Addy,
14 Jr. dated August 5th, 2015)

15 EXAMINATION BY MR. STIMSON:

16 **Q. Judge Addy, after serving five years on the**
17 **circuit court, why do you want to continue serving as a**
18 **circuit court judge?**

19 A. Well, as I put in the -- in the paperwork that I
20 filed earlier, I do enjoy the job. I feel like I'm pretty
21 good at it. I feel like I'm making a difference on the
22 court and in peoples' lives and in the system. And I would
23 love to be able to continue doing it.

24 **Q. Thank you. Judge Addy, the Commission received**
25 **353 ballot boxes surveys regarding you, with 28 additional**

1 comments. The ballot box survey, for example, contained
2 some of the following comments -- positive comments, excuse
3 me.

4 "The bench needs more judges like Judge Addy.
5 Judge Addy is an excellent judge to appear front of. He is
6 very open, honest, and engaged in the process. He has been
7 a remarkable judge. Excellent."

8 One of the comments we received did express a
9 concern. It indicated that you can sometimes be a bit
10 heavy-handed with your sentencing. What response would you
11 offer to this concern?

12 A. I imagine that, that, at times, perhaps, could be
13 true -- or at least that perception could be true. There
14 are times where, in all honesty, a maximum sentence is
15 appropriate in my opinion. And very often -- you know, you
16 may not like having to impose the maximum, or a hefty
17 sentence, but its simply necessary, for whatever reason.
18 Perhaps the person has a bad criminal history, maybe it's
19 simply a matter of societal self-defense. A number of
20 factors.

21 But I imagine that at times, certainly, I could
22 see where someone would get that perception. I don't
23 always, of course, give the maximum. Quite often,
24 especially on pleas -- if were talking about a plea of
25 guilty, more often than not the person gets a great deal of

1 credit for admitting their guilt and coming forward in
2 doing that. And even more so, if they're doing it
3 promptly, as opposed to delaying the proceedings
4 unnecessarily. So I suppose it's a little bit of both.
5 But I always try to give a sentence that I think is
6 appropriate.

7 Q. Thank you, Judge Addy. At this time we just have
8 a few housekeeping issues to take care of. Have you sought
9 or received a pledge of any legislator prior to this date?

10 A. No, sir.

11 Q. Have you sought or have you been offered a
12 conditional pledge of support of any legislator, pending
13 the outcome of your screening?

14 A. No, sir.

15 Q. Have you asked a third parties to contact members
16 of the General Assembly on your behalf?

17 A. No, sir.

18 Q. Are you aware of anyone attempting to intervene
19 in any part of this process on your behalf?

20 A. No.

21 Q. Have you contacted any members of this
22 Commission?

23 A. No.

24 Q. Do you understand that you are prohibited from
25 seeking a pledge or commitment until 48 hours after the

1 formal release of the Commission's report?

2 A. Yes, sir.

3 Q. Have you reviewed the Commission guidelines on
4 pledging?

5 A. Yes.

6 Q. As a follow-up, are you aware of the penalties
7 for violating the pledging rules; that is, it is a
8 misdemeanor, and upon conviction the violator must be fined
9 not more than one thousand dollars or imprisoned not more
10 than 90 days?

11 A. Yes, sir.

12 MR. STIMSON: I would note that the Piedmont
13 Citizens Committee found Judge Addy qualified in the
14 evaluative criteria of constitutional qualifications,
15 physical health and mental stability. The Committee found
16 Judge Addy well qualified in the evaluative criteria of
17 ethical fitness, professional and academic ability,
18 character, reputation, experience, and judicial
19 temperament.

20 I would also note that the Piedmont Citizens
21 Committee reported Judge Addy as polite -- "Judge Addy's
22 polite, humble demeanor complements his enormous energy for
23 his job, and razor-sharp mind." The Committee unanimously
24 considers him to be an excellent circuit court judge.

25 I would note for the Committee, and for the

1 record, that any concerns raised during the investigation
2 regarding Judge Addy were incorporated into the questioning
3 of him today.

4 Mr. Chairman, I have no further questions.

5 REPRESENTATIVE CLEMMONS: Thank you very
6 much. Are there questions binding Commission member?

7 REPRESENTATIVE BANNISTER: I just have a
8 quick comment for the -- for the Committee. I have not had
9 the opportunity to try a case in front of Judge Addy, but
10 one of my law partners tried a murder case for several days
11 -- I think maybe a week. And as an anecdote, when the
12 trial was over, whatever the result was -- I don't remember
13 -- maybe I do -- but he -- what he wanted to talk about was
14 what a good trial he ran, and how fair and down the middle
15 you were on some of the really contentious legal issues,
16 that he just felt like you gave the defendant a very fair
17 shake in terms of considering the law, what was on the
18 books, where it was in the process in the Supreme Court,
19 and everything else on that particular issue.

20 And he had a lot of very positive things to
21 say about the way you ran your courtroom. And for the
22 Committee, when you get feedback like that on a -- from a
23 judge -- from someone that you trust, it's important and
24 very good. I appreciate the job you're doing.

25 JUDGE ADDY: Well, thank you. Thank you.

1 REPRESENTATIVE CLEMMONS: Thank you, Mr.
2 Bannister. Senator Martin.

3 SENATOR MARTIN: Thank you, Mr. Chairman.
4 Judge, welcome. Good to -- good to have you with us. I
5 appreciate your service on the bench. But I noticed
6 Counsel didn't mention this comment about being too old for
7 the position.

8 JUDGE ADDY: We had a laugh about that,
9 actually. Yes, I think there was a comment that I was --
10 that I had to have been approaching retirement age. And
11 they're either confusing me with my father, who has been
12 dead for almost twenty years now, or my grandfather who
13 would be 110 now. So I really don't think that person made
14 a connection there.

15 SENATOR MARTIN: I've had that -- I had that
16 said about me, too, in my last election.

17 (Off-the-record discussion.)

18 SENATOR MARTIN: Let me ask you this.

19 EXAMINATION BY SENATOR MARTIN:

20 **Q. In your time on the bench -- and we've got this**
21 **Committee -- we had a comment that sort of provoked this**
22 **line of thought about the idea of frivolous proceedings.**
23 **We had a Frivolous Proceedings act where we spell out how**
24 **that is to be invoked when it's needed. Have you ever had**
25 **occasion to see that applied in your court?**

1 A. Not that I can recall. Quite honestly, in most
2 of my tenure, they have been keeping it pretty close to
3 home in the 8th Circuit. And, quite honestly, we --
4 because we don't have -- were not running common pleas all
5 the time, and so we tend to use -- the lawyers there are
6 pretty good and fairly professional about not bringing
7 garbage cases, for lack of the better phrase. Because,
8 quite honestly, the last thing that you want to devote time
9 to is a case that has no merit. And those end up getting
10 resolved, in some way short of trial, either through a
11 40(j), or they'll voluntarily admit that it's not going
12 anywhere and they'll dismiss it.

13 I have not experienced that, or really had much
14 in the way to do with frivolous proceedings. Because I do
15 move around within the circuit a great deal, the common
16 pleas side of things, I very often leave to my assistant,
17 and she will make sure that we have things to try, date
18 certains, everything lined up. Because she's to work in
19 the clerk of court's office, that's why I hired her, is to
20 try to help manage the docket when I am not in the office.
21 And she is very good at that.

22 But we have not had much contact, really -- or
23 I've not had much contact. And I think the other judges in
24 the Eighth really haven't had much experience with
25 frivolous proceedings.

1 Q. I think it one gets -- one gets made, it pretty
2 well gets through the discussion process, it gets
3 withdrawn?

4 A. That once going away, yes, sir. It's not going
5 to -- we're not going to squander time to try that. In
6 Abbeville County, we only get two terms of court per year
7 for common pleas. Greenwood, maybe six. Laurens gets
8 more. Newberry doesn't get a lot. So we don't have a lot
9 of time to waste.

10 Q. Well, obviously, the concern I have is, you know,
11 you don't see a lot of it. And the fact that they are
12 filed to begin with, causes the other party to have to
13 respond --

14 A. Sure.

15 Q. -- and bear the expense of responding and that
16 type of thing. And that was just a concern that I felt
17 like needed to be asked about.

18 A. So much stuff happens, as you're well aware, on
19 the -- on the common pleas side, that does not involve
20 judicial intervention, a lot of things get resolved or
21 kicked or what have you. So there's -- when you're riding
22 the bench, I don't maybe get exposed to a lot of the
23 behind-the-scenes things that take place. Unless it's a
24 CPNJ, and I'm actually having to deal with some aspect that
25 case. At which point, you can usually take older people

1 aside and say, "Look, here's the result is going to end up
2 happening."

3 And then you just -- you do it. But I've never
4 really had much exposure, at least on the CP side. It may
5 be different -- it may be different up your way or in
6 Greenville or Columbia. But I've only had one common pleas
7 term in Greenville in the last five years, a CPNJ in
8 Charleston one time. And that was it as far as the larger
9 circuits.

10 **Q. Thank you very much. And thank you again for
11 your service.**

12 A. I appreciate it. It's a pleasure to see you-all
13 again.

14 REPRESENTATIVE CLEMMONS: Senator Malloy is
15 recognized.

16 SENATOR MALLOY: Mr. Chair, I would just ask
17 Judge Addy --

18 EXAMINATION BY SENATOR MALLOY:

19 **Q. Judge Addy, number one, first of all, I noticed
20 you say "CPNJ." We only have -- everybody on here is a
21 lawyer, except for maybe one and a half. My chairman is a
22 -- plays a lawyer most of the time. We call him Judge
23 Martin a lot of times. I'm speaking to the non-lawyers in
24 here, I said there's really maybe one and half. Mr. Mack
25 doesn't practice law, and Judge Martin doesn't practice law**

1 --

2 SENATOR MARTIN: Justice Martin.

3 Q. Justice Martin doesn't practice law, but he
4 oversees lawyers. Whenever you're talking about CPNJ,
5 you are speaking of --

6 A. Common pleas non-jury.

7 Q. Yeah. Common -- common pleas non-jury. And the
8 justice had asked you about frivolous proceedings. Is it
9 your experience that these cases are normally resolved to
10 during motions to dismiss and summary judgment matters and
11 that kind of thing? And a lot of times, folks that are
12 employing defense counsel, since it's a case after the
13 case, they don't want to spend more money to pursue. Just
14 like my daddy says, "Why did throw good money after bad
15 money?"

16 A. Right.

17 Q. And so a lot of times you don't see that. And so
18 as we continue to go down that road, we'll probably need to
19 -- we want to address that issue, address it in another
20 procedural way. Would you -- would you sort of agree with
21 that?

22 A. I would generally agree with that. And also
23 understand, a lot of times a client will come in and sell a
24 lawyer a bill of goods. And then after a little bit of
25 discovery, the lawyer realized, "Well, I was -- I was

1 hooted, somewhat. You know, my client wasn't exactly
2 shooting straight with me."

3 And at that point in time, most of the lawyers I
4 know, they'll fire the client, or 40(j) the case, and say,
5 "Look, you're just going to have to take the file somewhere
6 else. You weren't straight with me."

7 And so I can see where a lot of cases, perhaps,
8 do get filed. But as far as those cases coming to my
9 attention -- I mean, we try some -- I tried two medical
10 malpractice cases in Laurens County, I've got another one
11 coming up shortly. We try these cases, that in other
12 places they would take two weeks to try, and I tell the
13 lawyers we got to do it in five days, because I got out of
14 here and I'm trying something else next week. I've got a
15 murder case in Greenwood that I've got a do. And so we --
16 you know, we try serious cases.

17 **Q. Right. And I appreciate the transition that you**
18 **have made from being a probate judge, several years ago, to**
19 **the circuit court bench to get the respect that you've**
20 **earned.**

21 **One of the comments that they had mentioned -- as**
22 **you know, I've been a person that has been doing sentence**
23 **reform for a period of time. And one of the comments was**
24 **that the you're heavy-handed on sentencing. I would assume**
25 **that they are talking about violent crimes.**

1 A. That is correct. Most of the time, yes, I mean,
2 you -- you're dealing with a body, you're dealing with
3 someone who has been brutally raped or -- and very often,
4 it's a repeat offender. And that's where --

5 **Q. Right.**

6 A. -- it becomes a function of societal self-defense
7 more than anything else sometimes.

8 **Q. Right. And I know that we have increased our**
9 **incarceration of those who are violent criminals up to**
10 **about 68 percent. And I just want to just make certain as**
11 **we go forward, that we are cautious that our nonviolents,**
12 **that we are seeking alternative sentencing for them. And I**
13 **hope that you would consider that.**

14 A. And I do. And that's something that we were
15 actually commenting on earlier, while we were in the
16 holding room -- it was myself and Judge -- I believe Judge
17 Gibbons. And we were talking about the most expensive real
18 estate in South Carolina is not oceanfront, it's the cells
19 that we put people in, and those have to be reserved for
20 folks that are dangerous.

21 **Q. Right. And I would like to report to you that we**
22 **have closed three and a half prisons in South Carolina in**
23 **the last five years.**

24 A. Probably moving in the right direction.

25 REPRESENTATIVE CLEMMONS: Thank you, Senator

1 Malloy. Any other questions or comments?

2 (No response.)

3 REPRESENTATIVE CLEMMONS: Hearing none,
4 Judge Addy, thank you so much for being here with us today.
5 That concludes this portion of our screening process. As
6 you know, the record will remain open until the report is
7 published. And you may be called back at such time, if
8 that need should arise.

9 Until that time, thank you so much for all
10 that you do. And thank you for your service to South
11 Carolina. Thanks for being here.

12 (Candidate excused.)

13 REPRESENTATIVE CLEMMONS: We're going to
14 take a five-minute break.

15 (Off the record.)

16 REPRESENTATIVE CLEMMONS: Let's bring the
17 next candidate in, please. Judge Hill, it's good to have
18 you with us today. Thank you for joining us.

19 JUDGE HILL: Thank you, Mr. Chairman.

20 REPRESENTATIVE CLEMMONS: We apologize for
21 dragging you away from the business of the court today.
22 Thank you for being here.

23 JUDGE HILL: Thank you.

24 REPRESENTATIVE CLEMMONS: Would you please
25 raise your right hand and be sworn.

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WHEREUPON:

THE HONORABLE DAVID GARRISON HILL, III,
being duly sworn and cautioned to speak the truth, the
whole truth and nothing but the truth, testifies as
follows:

REPRESENTATIVE CLEMMONS: Judge Hill, you
were -- you provided answers to the personal data
questionnaire, some time ago. Is -- are those responses
still correct? Or are they in need of any amendment at
this time?

JUDGE HILL: They are correct. I know of no
amendment necessary.

REPRESENTATIVE CLEMMONS: Thank you very
much. Would you have any objection to responses to your
personal data questionnaire being made a part of the record
of your sworn testimony today?

JUDGE HILL: No, sir.

REPRESENTATIVE CLEMMONS: Thank you. Does
any Commission member have any objection?

(No response.)

REPRESENTATIVE CLEMMONS: Hearing none, it's
so ordered.

(EXHIBIT NO. 17 - Judicial Merit Selection
Commission Personal Data Questionnaire of David
Garrison Hill dated August 4, 2015)

1 REPRESENTATIVE CLEMMONS: The Judicial Merit
2 Selection Commission has thoroughly reviewed your
3 qualifications for the bench. That inquiry has focused on
4 the nine statutory evaluative criteria. We have received
5 no opposition -- no affidavits filed in opposition to your
6 election. And there are no witnesses here to testify,
7 except for yourself, Judge.

8 Would you now please turn your attention to
9 your screening attorney, and respond to any questions he
10 may have.

11 JUDGE HILL: Yes, sir.

12 REPRESENTATIVE CLEMMONS: Thank you.

13 REPRESENTATIVE BANNISTER: Real quick before
14 we begin, for the committee members that are here. Judge
15 Hill and I were partners -- actually, I was not a partner.
16 You were a partner and I was an associate back then, but we
17 were in the same firm for a period of time a while back. I
18 believe Judge Hill asked somebody in my firm if we had
19 somebody -- a courier or somebody going to Columbia. When
20 he asked that question about original signatures being
21 delivered, I talked to Elizabeth Brogdon, just because I
22 didn't understand why an original signature versus a fax
23 copy was part of our rules, which apparently it is. But
24 the deadline and the original delivery got me curious about
25 what that issue -- I know we had another candidate asking

1 about the original signature. But I was also confused by
2 that.

3 So just for the committee members, we do
4 require original signatures now. I was curious about hand-
5 delivering documents when we do you, you know, have
6 electronic filing and other stuff. So go ahead. The two
7 of us never had a conversation, but it was -- I was just
8 curious what original signatures needed to be delivered
9 down here by a particular time.

10 REPRESENTATIVE CLEMMONS: And I think that
11 was with regard to the letters of recommendation they had
12 to do that.

13 REPRESENTATIVE BANNISTER: Yeah, and I was -
14 - is that what -- I just knew that you had to have the
15 original signatures on something, and I was curious why a
16 copy --

17 REPRESENTATIVE CLEMMONS: Ms. Brogdon has
18 that --

19 REPRESENTATIVE BANNISTER: -- wouldn't
20 suffice.

21 REPRESENTATIVE CLEMMONS: Ms. Brogdon says
22 that's okay. Please proceed.

23 MR. ODOM: Good morning, Judge Hill.

24 JUDGE HILL: Good morning.

25 MR. ODOM: You have before you the sworn

1 statement you provided, with detailed answers to over
2 thirty questions.

3 JUDGE HILL: Yes, sir.

4 MR. ODOM: Are there any amendments you
5 would like to make at this time to your sworn statement?

6 JUDGE HILL: No, sir.

7 MR. ODOM: Mr. Chairman, I'd like to ask
8 that Judge Hill's sworn statement be entered into --
9 entered as an exhibit into the hearing record.

10 REPRESENTATIVE CLEMMONS: Is there any
11 objection?

12 (No response.)

13 REPRESENTATIVE CLEMMONS: Hearing none, so
14 ordered.

15 (EXHIBIT NO. 18 - Judicial Merit Selection
16 Commission Sworn Statement of David Garrison Hill
17 dated August 4th, 2015)

18 EXAMINATION BY MR. ODOM:

19 **Q. Judge Hill, after serving nearly 12 years on the**
20 **circuit court, why do you desire to continue serving as a**
21 **circuit court judge?**

22 A. Well, I think my perspective is broad, like most
23 peoples, when you get a little bit older, and so you become
24 more interested in things that are bigger than yourself.
25 And two things that are bigger than I am -- or anybody --

1 is a community, your state.

2 And the second is principles. And the principle
3 that I'm fashioned by is the rule of law. And this -- this
4 position gives me the very rare and fortunate privilege to
5 work with the rule of law and in furtherance of our
6 community. So it's a -- something that I truly enjoy and
7 hope to continue doing.

8 **Q. Thank you, Judge. Judge, the Commission received**
9 **340 ballot box surveys regarding you, with 37 additional**
10 **comments. The ballot box surveys, for example, contained**
11 **the following positive comments:**

12 "Judge Hill is the embodiment of justice."

13 Another said that, "Judge Hill is maybe the best
14 I have known in every category. Integrity, intellect,
15 fairness, judicial temperament, sense of humor. About all
16 we could ask for."

17 Only one of the written comments expressed any
18 concerns, and that was about your demeanor. Judge Hill,
19 could you tell the Commission what do you think the
20 appropriate demeanor for a judge should be?

21 A. Well, the appropriate demeanor ought to include
22 patience, first of all. It ought to include a very even-
23 keeled temperament and it ought to include a temperament
24 that is consistent. I think there are few things worse
25 than going into a courtroom and not knowing what kind of

1 mood the person up on the bench is going to be that day.

2 So I think allowing people to be heard is a --
3 one of the most important things that we do. So that is
4 something that is a product of patience, and letting people
5 -- and sometimes that's all they really want is to be
6 heard. So I try to be engaged. I don't try to interrupt
7 lawyers or -- or parties, or try their cases for them. I
8 let them do it. I try to ask questions that are not only
9 important to me, but important to them, to know that
10 they're being listened to by some semi-reasoning creature.

11 And so I think I also talked about temperament
12 and demeanor in my questions -- or answers to the
13 questions. But that's essentially my belief.

14 **Q. Thank you, Judge. And only just a few more**
15 **procedural questions. Have you sought or received a pledge**
16 **of any legislator prior to this date?**

17 A. No, sir.

18 **Q. Have you sought -- have you been offered a**
19 **condition of pledge of support of any legislator, pending**
20 **the outcome of your screening?**

21 A. No, sir.

22 **Q. Have you asked any third parties to contact**
23 **members of the General Assembly on your behalf?**

24 A. No, sir.

25 **Q. Are you aware of anyone attempting to intervene**

1 in any part of this process on your behalf?

2 A. No, sir.

3 Q. Have you contacted any members of the Commission?

4 A. No, sir.

5 Q. Do you understand that you're prohibited from
6 seeking a pledge or a commitment until 48 hours after the
7 formal release of the Commission's report?

8 A. I do.

9 Q. Have you reviewed the Commission's guidelines on
10 pledging?

11 A. I have.

12 Q. And as a follow-up, are you aware of the
13 penalties for violating the pledging rules --

14 A. I am.

15 Q. -- that is, it is a --

16 A. I'm sorry.

17 Q. That's okay. -- it's a misdemeanor, and upon
18 conviction the violator must be fined not more than a
19 thousand dollars or imprisoned not more than 90 days?

20 A. (Nods head.)

21 MR. ODOM: And, Mr. Chairman, I note that
22 the Upstate Citizens Committee reported that Judge Hill was
23 qualified as to constitutional qualifications, physical
24 health, and mental stability, and well qualified as to
25 ethical fitness, professional and academic ability,

1 character, reputation, experience, and judicial
2 temperament. The Committee found that, based on the
3 evaluative criteria, Judge Hill meets and exceeds the
4 requirements of each area.

5 I further note for the record that any
6 concerns raised during the investigation, regarding Judge
7 Hill, were incorporated into the questioning today.

8 Mr. Chairman, I have no further questions.

9 REPRESENTATIVE CLEMMONS: Thank you so much.
10 Are there any questions by Commission members?

11 SENATOR MARTIN: Mr. Chairman?

12 REPRESENTATIVE CLEMMONS: Yes, Senator
13 Martin is recognized.

14 SENATOR MARTIN: I just have a brief
15 comment.

16 Judge Hill, it's good to see you today. We
17 appreciate your service. Obviously, I reside in your
18 circuit, and have very great admiration for you and the
19 outstanding job you've done on the bench. I just want to
20 share with the members of the Commission, that everything
21 I've heard about Judge Hill has been very, very positive.
22 And we appreciate his -- appreciate his outstanding
23 service.

24 JUDGE HILL: Well, thank you, Senator. I'm
25 very grateful for those remarks.

1 REPRESENTATIVE CLEMMONS: Thank you, Senator
2 Martin. Other questions or comments?

3 (No response.)

4 REPRESENTATIVE CLEMMONS: Hearing none,
5 Judge Hill, thank you so much for being with us today.

6 This concludes this portion of the screening
7 process. As you know, the record will remain open until
8 the report is published. And you could be called back at
9 such time if that need should arise.

10 Well, with that, we want to thank you for
11 your service to South Carolina, and for being with us
12 today.

13 JUDGE HILL: Thank you very much. And thank
14 you for serving on the Commission. I would like to thank
15 Mr. Odom and Ms. Brogdon and Ms. Crawford for all -- help
16 and assistance they gave throughout this process.

17 REPRESENTATIVE CLEMMONS: Thank you very
18 much, sir. Have a good day.

19 (Candidate excused.)

20 (Off-the-record discussion.)

21 REPRESENTATIVE CLEMMONS: Members of the
22 Commission, Steve John has -- is my resident judge. It's
23 good to have him here today.

24 SENATOR MALLOY: And I would add that Steve
25 -- Judge John and I have done several things together in

1 the last year --

2 JUDGE JOHN: Yes, sir.

3 SENATOR MALLOY: -- including breaking bread
4 in the Hartsville area. And I had a chance to appear in
5 front of him, before, as well.

6 JUDGE JOHN: Thank you, sir.

7 REPRESENTATIVE CLEMMONS: Judge John, it's
8 great to have you here today. We apologize for pulling you
9 away from the bench, today, and making you drive through
10 storm conditions to get here.

11 JUDGE JOHN: That's all right. I appreciate
12 it.

13 REPRESENTATIVE CLEMMONS: We know you could
14 be accomplishing a great deal on moving the docket forward.
15 And are you in Horry County this week?

16 JUDGE JOHN: I'm actually in Georgetown this
17 week, in criminal court in Georgetown.

18 REPRESENTATIVE CLEMMONS: We know you could
19 be accomplishing a great deal there today. So thank you
20 for being here --

21 JUDGE JOHN: Yes, sir.

22 REPRESENTATIVE CLEMMONS: -- and part of the
23 process. Judge John, would you -- usually you're swearing
24 me in.

25 JUDGE JOHN: That's all right.

1 REPRESENTATIVE CLEMMONS: I get to swear you
2 in today.

3 JUDGE JOHN: Yes, sir.

4 REPRESENTATIVE CLEMMONS: Would you please
5 raise your hand and be sworn.

6 WHEREUPON:

7 THE HONORABLE STEVEN H. JOHN, being duly
8 sworn and cautioned to speak the truth, the whole truth and
9 nothing but the truth, testifies as follows:

10 REPRESENTATIVE CLEMMONS: Judge John, as you
11 will recall, you provided responses to the personal data
12 questionnaire that this Commission provided. Are those
13 answers still correct as of today? Or are the answers in
14 need of any amendment to bring them up-to-date?

15 JUDGE JOHN: No, sir. I'm aware of no
16 amendments that need to be -- need to be made, other than
17 the one that I sent in after the questionnaire was
18 finished. But that's part of the questionnaire that's here
19 today. And I'm fine with everything that's in there.

20 REPRESENTATIVE CLEMMONS: Very well. Would
21 you have any objection to your personal data questionnaire,
22 as amended, being included as a part of the record of your
23 sworn testimony today?

24 JUDGE JOHN: No, sir. I'd be glad for it to
25 be so.

1 REPRESENTATIVE CLEMMONS: Thank you. Said
2 any Commission member have an objection?

3 (No response.)

4 REPRESENTATIVE CLEMMONS: Hearing none, it's
5 so ordered.

6 (EXHIBIT NO. 19 - Judicial Merit Selection
7 Commission Personal Data Questionnaire of The
8 Honorable Steven H. John dated August 3rd, 2015)

9 REPRESENTATIVE CLEMMONS: Judge John, this
10 Commission has thoroughly involved your qualifications for
11 continuation on the bench. Our inquiry has focused on the
12 nine evaluated -- evaluative criteria that are dictated to
13 us by statute. This proceeding of -- proceeding arises as
14 somewhat as a culmination of that process.

15 We received no affidavits filed in
16 opposition to your election, and there are no witnesses
17 here to testify, today, other than yourself.

18 We would ask, now, if you would kindly turn
19 your attention to Ms. Simpson, your screening attorney, and
20 respond to her questions.

21 JUDGE JOHN: Yes, sir.

22 REPRESENTATIVE CLEMMONS: Thank you.

23 MS. SIMPSON: Good morning, Judge John. You
24 have before you the sworn statement you provided, with
25 detailed answers to over thirty questions. Are there any

1 amendments you would like to make at this time to your
2 sworn statement?

3 JUDGE JOHN: No, ma'am. I do not.

4 MS. SIMPSON: At this time, Mr. Chairman, I
5 would like to ask that Judge John's sworn statement be
6 entered as an exhibit into the hearing record.

7 REPRESENTATIVE CLEMMONS: Is there any
8 objection?

9 (No response.)

10 REPRESENTATIVE CLEMMONS: Hearing none, so
11 ordered.

12 (EXHIBIT NO. 20 - Judicial Merit Selection
13 Commission Sworn Statement of The Honorable
14 Steven H. John dated July 30th, 2015)

15 EXAMINATION BY MS. SIMPSON:

16 **Q. Judge John, after serving nearly 14 years on the**
17 **circuit court bench, why do you want to continue to serve**
18 **as a circuit court -- a circuit court judge?**

19 A. The first thing I would say is, I mean, I -- I
20 truly love my job. I'm one of the fortunate people in this
21 world that I love going to work. I will tell you that I
22 was asked a question by the attorneys in the screening to -
23 - if I have a bad day -- and I told them I don't really
24 have bad days. I've got challenging days. But I really
25 don't think I have bad days going to work, 'cause I love

1 going -- going to work.

2 That aside, I believe I do a good job for the
3 citizens of this state. I do my best to be prepared all
4 the time, and to work hard at my job. And I think with
5 that dedication I put into it, I -- I do a good job. And I
6 appreciate having the ability to continue on doing it.

7 Q. Thank you. The Commission received 440 ballot
8 box surveys regarding you, with 33 additional comments.
9 The ballot box surveys, for example, contained the
10 following positive comments:

11 "Honorable and hardworking. I go in front of
12 many judges, and Judge John is the most efficient judge
13 that I go in front of. Also, he is the picture of
14 professionalism and a great judge. He gives each litigant
15 the opportunity to present their position, and applies the
16 law to the facts as well as any circuit court judge I have
17 observed or appeared before. Pleasant and well prepared."

18 Seventeen of the written comments expressed
19 concerns. Several comments indicated you lack patience
20 with lawyers and litigants. What response would you offer
21 to this concern?

22 A. There is a expression in -- that's going around
23 in football now, it's called self-evaluation or self-
24 scouting. And over the years, I've tried to do that. By
25 nature, I am a direct person. And looking back on it, I

1 know that I am a much better judge now than I was when I
2 started. When I started, frankly, I was too direct and too
3 much to the point. And if you get that reputation, it is
4 hard to change. I have made it a point to work on that,
5 and to, you know, not have that be a concern of anyone. I
6 think those concerns, honestly, I believe are in the past.
7 I think that I've, best I can, tried to address those.

8 And, again, understanding I, you know, try to get
9 to the point of things. You know, in non-jury court, we
10 have so many matters that come up, that we're trying to go
11 maybe towards the federal system where they send all the
12 stuff to you ahead of time. I've tried to get lawyers to
13 do that, because if lawyers will do that -- I read every
14 single page, every sentence, every period that's in
15 everything that they send to me. But if they come to you,
16 and you've got 25 summary motions, and they drop this mound
17 of things in front of you, we've got to get to a point
18 where we get to the point of why we're there. And that --
19 I think, in the past I've been more direct than I probably
20 needed to be. But that's my statement to that.

21 **Q. Other concerns indicated that you have a poor**
22 **judicial temperament and that you're often discourteous**
23 **toward attorneys and litigants. What response would you**
24 **offer to this concern?**

25 A. I would not agree with that. I do my best to

1 give everybody a full and complete opportunity to make
2 their presentation. I think if you ask anyone, when we
3 have jury court, I go out of my way to make sure that the
4 people that are there, the jurors are taken care of. We do
5 not waste their time. You know, I try -- you know, when
6 you say court starts at 9:30, we're going to start at 9:30
7 because we've got people there that we have drug out of
8 their homes to do our business. And so I'm going to take
9 care of them.

10 Ever since I've been a judge, every time I've had
11 a jury trial, I've sent a letter out to every single juror
12 that has been on that jury, and given them a questionnaire
13 and a return-stamped envelope to send back to me their
14 comments. And I've kept them all. There are enumerable
15 ones in there, saying they appreciate the concern that the
16 court has given to them, paid attention to the time, and
17 informed them of what's going on.

18 You know, I -- you know, I expect people to --
19 something that does get me upset, you have got people there
20 that are expecting and demanding their lawyer to do a job
21 for them. They need help. That's why they're there. And
22 when I see a lawyer who is lazy, has not done his work, is
23 not prepared to represent that person and give them the
24 help they need, that bothers me. You know, and in -- and,
25 again, in the past, I've probably been more direct about

1 that, than I should have been. And I don't do that
2 anymore. If I feel a concern, I'll take them to the
3 office, and say, "You've got to fix this."

4 But, you know, that -- if anything -- if any of
5 those come from that, that's probably where it comes from.
6 Because I'm expecting that lawyer to be there to help their
7 client, to help that person that's there. And that's why
8 they're there.

9 **Q. Thank you. In your interview, we discussed a**
10 **lawsuit that was filed against you in 2001, that just**
11 **recently appeared on your SLED report. It regarded a**
12 **situation with Desa Ballard. Could you please explain this**
13 **lawsuit?**

14 A. Don't have any information I can give to you. It
15 didn't come up when I got elected in 2001. It didn't come
16 up in the 2003/2004. It didn't come up in the 2009/2010
17 review. I got a phone call from a SLED agent, said that
18 they got some computer index from a magistrate's office,
19 said that action was filed, I think they said, like in
20 November, judicially dismissed within a month. Never
21 served.

22 The only information I got is from the SLED
23 agent, called me and told me. And that's all I can tell
24 you. Don't know anything about it. Never had it.
25 Apparently, it was from a -- from what the SLED agent told

1 me, the files were destroyed by the magistrate's office.
2 So I wish I could, but I don't know.

3 Q. Thank you. Just a few housekeeping issues. Have
4 you sought or received a pledge of any legislator prior to
5 this date?

6 A. No, ma'am.

7 Q. Have you sought or have you been offered a
8 conditional pledge of support of any legislator, pending
9 the outcome of your screening?

10 A. No, ma'am.

11 Q. Have you asked any third parties to contact
12 members of the General Assembly on your behalf?

13 A. No, ma'am.

14 Q. Are you aware of anyone attempting to intervene
15 in any part of this process on your behalf?

16 A. No, ma'am.

17 Q. Have you contacted any members of the Commission?

18 A. No, ma'am, I have not.

19 Q. Do you understand that you are prohibited from
20 seeking a pledge or commitment until 48 hours after the
21 formal release of the Commission's report?

22 A. Yes, ma'am, I do.

23 Q. Have you reviewed the Commission's guidelines on
24 pledging?

25 A. I have.

1 **Q. As a follow-up, are you aware of the penalties**
2 **for violating the pledging rules; that is, it is a**
3 **misdemeanor, and upon conviction the violator must be fined**
4 **not more than one thousand dollars or imprisoned not more**
5 **than 90 days?**

6 A. Yes, ma'am, I am.

7 MR. STIMSON: I would like to note that the
8 Pees Dee Citizens Committee report reported that Judge John
9 is qualified. In summary, the Committee stated feedback
10 from multiple sources indicating Judge John is an excellent
11 and fair judge who could be more patient as well as more
12 kind in his comments.

13 I would just note for the record, that any
14 concerns raised during the investigating -- investigation
15 regarding the candidate, were incorporated into the
16 questioning of the candidate today.

17 Mr. Chairman, I have no further questions.

18 REPRESENTATIVE CLEMMONS: Thank you, Ms.
19 Simpson. Do any members of the Commission have any
20 questions?

21 SENATOR MARTIN: Mr. Chairman?

22 REPRESENTATIVE CLEMMONS: Senator Martin is
23 recognized.

24 SENATOR MARTIN: Thank you, Mr. Chairman.

25 EXAMINATION BY SENATOR MARTIN:

1 Q. Judge John, thank you for your service.

2 A. Thank you, sir.

3 Q. I appreciate it. I've known you for a long time,
4 and have always enjoyed seeing you here around the halls of
5 the Capitol.

6 Let me ask you, you mentioned about your
7 courtroom management --

8 A. Yes, sir.

9 Q. -- desire to keep things -- keep the train on the
10 tracks. What has been your experience in regards to
11 possibly the frivolous proceedings? Have you encountered
12 any of that?

13 A. Well, in looking at the rules, it's -- again,
14 we're not the federal system. It would be difficult to
15 characterize hardly any lawsuit as frivolous. There is --
16 there is always -- you could always find some glimmer of an
17 action that, if you look at the -- look at the pleadings
18 and look at what is stated, I -- you see things that -- you
19 know, you kind of shake your head and say I'm -- you know,
20 if I was lawyer, I wouldn't have taken that case.

21 Q. Right.

22 A. But there's -- still, there are things to it.
23 And, again, we not being the federal system, the state
24 system and summary judgement motions, it's very difficult
25 when you have the scintilla of evidence standard that our

1 Supreme Court has set forth in many cases. It is hard for
2 the state court to step in and end lawsuits that might
3 necessarily should be ended before they go to a trial
4 process. But if you do so, you're -- and it's appealed,
5 you are certain that they'll send it back and said there
6 was that scintilla of evidence, and for it to proceed on.

7 So until that changes, I think, you know, you're
8 not really going to have much of a change in that regard.

9 **Q. I have -- we had one previous response, along the**
10 **lines of pre-trial conferencing that can oftentimes, you**
11 **know, move some of the less desire -- not less desired --**
12 **the less worthy or meritorious cases out of the way. Do**
13 **you find that to be the case?**

14 A. It's -- it depends on the lawsuit. Again, if you
15 -- you know, honestly, if it was a strong lawyer, a very
16 capable lawyer, the case would either have been settled or
17 not been brought.

18 **Q. Right.**

19 A. So, again, I'm -- my experience has not been
20 such, as a pretrial conference would -- with a case such as
21 that, is going to do much other than just go in there and
22 you try the case, and have --

23 **Q. So basically, what you're telling us, if you can**
24 **verbalize a cause of action, even if it's not likely to**
25 **withstand even a summary judgement motion, then --**

1 A. It's hard to impose the rule of that -- it really
2 is, the way -- the way it's worded. You know, if there is
3 -- you know, if there is any basis to is, then you just let
4 the process --

5 **Q. -- play itself out.**

6 A. Play itself out. And how -- however it ended,
7 would end.

8 **Q. All right. Thank you very much.**

9 A. Yes, sir.

10 REPRESENTATIVE CLEMMONS: Thank you, Senator
11 Martin. Dean Wilcox?

12 EXAMINATION BY MR. WILCOX:

13 **Q. Judge, appreciate your service to the state. And**
14 **thank you for being with us today.**

15 A. Thank you, Dean.

16 **Q. When we see the number of concerns that are**
17 **expressed, it just requires, I think, a little bit of a**
18 **look, just to make sure there's not a problem there.**

19 A. Yes, sir.

20 **Q. And I just -- and I think all of us share,**
21 **probably, the frustration you share when you really can't**
22 **figure out where they come from. It's very hard to know.**
23 **And there are a lot of explanations from a -- just a**
24 **unhappy litigant who is unhappy 'cause they lost, to more**
25 **serious concerns. But there's probably some in-between**

1 ground of a learning experience, at least, in saying there
2 may be something there.

3 And you mentioned that you've changed a little
4 bit of how you address the -- the lawyer who is unprepared
5 in your courtroom. Can you just give me a little bit
6 better sense of how that may have changed? 'Cause that
7 could be where some of the perception could have arisen
8 over the years.

9 A. And as I said -- and a lot of this will -- will
10 come up in a non-jury setting -- not really in a trial
11 setting -- when they're responding to a summary judgement
12 motion. And it's obvious that the lawyer hadn't put much
13 work into the response. You know, as you know, there has
14 to be some kind of filing when the other -- the other party
15 has made a filing and presented evidence, presented
16 affidavits, you can't just rely on pleadings. You've got
17 to put something in there.

18 And, honestly, I can't tell you the number of
19 times I've had the lawyer just come in, and say, "Well,
20 it's in my pleadings, and, you know, it's -- there's this
21 evidence," and haven't filed anything. And that's --
22 that's frustrating to the court, in that you don't know
23 that basic rule. And I don't want to hurt the litigant.
24 So you end up, honestly, continuing the matter for another
25 time, or that could have been resolved, and we're using up

1 judicial resources.

2 And at the beginning of my career, I probably
3 would have said something at that point in time, rather
4 than calling them back in the office and saying, "You just
5 can't do this, okay? You've got to do better than this.
6 'Cause the next time it happens, I might not be so
7 lenient," and continue it on. So that would be a change.

8 **Q. Essentially, it may be explaining to the lawyer**
9 **in chambers or something, as opposed to an open court --**

10 A. Yes, sir.

11 **Q. -- and in the transcript.**

12 A. Yes, sir.

13 MR. WILCOX: Thank you. That's all, Mr.
14 Chairman.

15 REPRESENTATIVE CLEMMONS: Any other
16 questions? Representative Bannister?

17 REPRESENTATIVE BANNISTER: I just have a --
18 one quick question.

19 EXAMINATION BY REPRESENTATIVE BANNISTER:

20 **Q. So Desa --**

21 A. Yes, sir.

22 **Q. Desa Ballard never represented you?**

23 A. In -- in an action? No, sir. We had it -- and
24 I'm trying to recall --

25 **Q. I mean, I understand you didn't --**

1 A. -- sixteen --

2 **Q. -- you weren't served with -- you weren't served**
3 **with a lawsuit, which makes sense you wouldn't know what**
4 **was in the lawsuit. But it says Desa Ballard filed suit,**
5 **seeking legal fees.**

6 A. We had -- there was something we had in the past,
7 some time ago. And, again, I'm sorry I just can't -- I
8 know it was there, but, you know, I don't have my files
9 anymore. And, unfortunately, the magistrate's file is --
10 you know, no longer in existence.

11 **Q. Okay.**

12 A. I'm sorry, I wish I could. You know, and if it
13 had come up, you know, in 2001 or 2003 or '4, or 2010 or
14 '11 -- or '9 and '10, you know, it would have been more
15 recent, maybe I would have. But I --

16 **Q. Sure.**

17 A. At this point in time, I just don't have any
18 explanation for you. I'm sorry.

19 **Q. It seemed to coincide with your -- the -- one of**
20 **the cases regarding professional conduct that was -- I**
21 **guess it was dismissed or maybe a letter of caution or**
22 **something was issued in 2000. That's why I asked, 'cause I**
23 **know she does a lot of that work, and I just --**

24 A. And, again, I -- I'm sorry. I mean, just because
25 of the length of time, I'm -- I really do wish -- and I

1 wish, you know, the file existed in the magistrate's
2 office, and then I'd be able to -- better able to give you
3 an answer. Like I said it just came like a -- you know,
4 came out of the blue when the SLED agent called. And, you
5 know, I just don't have any memory or recollection. I'm
6 sorry.

7 REPRESENTATIVE BANNISTER: Just for the
8 record, I just did a quick search of "Steven John," and
9 there's like 22. And there's about that same number of
10 "John Steven."

11 (Off-the-record discussion.)

12 REPRESENTATIVE BANNISTER: Thank you.

13 JUDGE JOHN: Yes, sir.

14 REPRESENTATIVE CLEMMONS: Any other
15 questions?

16 (No response.)

17 REPRESENTATIVE CLEMMONS: Hearing none,
18 Judge John, thank you so much for being with us today. And
19 this will conclude this portion of the screening process.

20 As you know, the record will remain open
21 until the report is published. There is a possibility you
22 could be called back at that time if the -- that need
23 should arise. Until that time, we want to thank you for
24 being with us today. Thank you for your service to South
25 Carolina, by serving on the bench. We appreciate it.

1 JUDGE JOHN: Thank y'all very much. I
2 appreciate it.

3 (Candidate excused.)

4 (Off-the-record discussion.)

5 REPRESENTATIVE CLEMMONS: Ladies and
6 gentlemen of the Commission, we have before us the
7 Honorable John Calvin Hayes, III, who is serving on the
8 Circuit Court 16th Judicial Circuit, Seat 1.

9 Judge Hayes, it's a pleasure to have you
10 with us today. Thank you for joining us. We recognize you
11 could be accomplishing much on the bench, today, and we
12 apologize for pulling you away, but appreciate you being a
13 part of this important process.

14 Judge, if you could kindly raise your right
15 hand and be sworn.

16 WHEREUPON:

17 THE HONORABLE JOHN CALVIN HAYES, III, being
18 duly sworn and cautioned to speak the truth, the whole
19 truth and nothing but the truth, testifies as follows:

20 REPRESENTATIVE CLEMMONS: Judge, you have --
21 you responded to the personal data questionnaire that this
22 -- this committee provided -- this Commission provided you
23 some time ago. Are your responses still current and
24 correct? Or are they in need of any amendment at this
25 time?

1 JUDGE HAYES: I have to admit that I have
2 not reread it, but remembering what I put down, and
3 remembering what's happened in the last few months, nothing
4 of any significance. I have had a birthday, so I'm a
5 little bit older when I filled this out. But other than
6 that, I think it's correct.

7 REPRESENTATIVE CLEMMONS: Happy birthday,
8 Judge.

9 JUDGE HAYES: Thank you.

10 REPRESENTATIVE CLEMMONS: I thank you. And
11 in that event, would you have any objection to having your
12 responses to the personal data questionnaire included as a
13 part of the record of your sworn testimony today?

14 JUDGE HAYES: I would not.

15 REPRESENTATIVE CLEMMONS: Thank you very
16 much. Is there an objection by any Commission member?

17 (No response.)

18 REPRESENTATIVE CLEMMONS: Hearing none, it's
19 so ordered.

20 (EXHIBIT NO. 21 - Judicial Merit Selection
21 Commission Personal Data Questionnaire of The
22 Honorable John Calvin Hayes, III dated July 31st,
23 2015)

24 REPRESENTATIVE CLEMMONS: Judge Hayes, the
25 Judicial Merit Selection Commission has thoroughly

1 investigated your qualifications for continued service on
2 the bench. Our inquiry is focused on the nine statutory
3 evaluative criteria. Today, we've -- as of today, we've
4 received no affidavits in opposition to your election. And
5 there are no witnesses present to testify, other than
6 yourself.

7 We would ask that you now kindly turn your
8 attention to your screening attorney, and respond to any
9 questions he may have.

10 JUDGE HAYES: Thank you.

11 MR. DAVIDSON: Thank you, Mr. Chairman.

12 Judge Hayes, you should also have before
13 you, the sworn statement that you provided to the
14 Commission.

15 JUDGE HAYES: I do.

16 MR. DAVIDSON: Are there any additional --
17 or any amendments that you'd like to make at this time?

18 JUDGE HAYES: No.

19 MR. DAVIDSON: Mr. Chairman, I'd like to ask
20 that Judge Hayes' sworn statement be included in the
21 record.

22 REPRESENTATIVE CLEMMONS: Thank you. Is
23 there any objection?

24 (No response.)

25 REPRESENTATIVE CLEMMONS: Hearing none, it's

1 so ordered.

2 (EXHIBIT NO. 22 - Judicial Merit Selection
3 Commission Sworn Statement of The Honorable John
4 Calvin Hayes, III dated July 31st, 2015)

5 EXAMINATION BY MR. DAVIDSON:

6 **Q. Judge Hayes, after serving for 24 years as a**
7 **circuit court judge, could you please explain to the**
8 **Commission why you'd like to continue to serve?**

9 A. Probably for a variety of reasons. The first is,
10 it's something I truly enjoy. I enjoy working with people,
11 and I enjoy the law. I enjoy -- I'm probably one of the
12 few judges that actually enjoy non-jury week, 'cause --
13 what I call "mental gymnastics," that you go through in
14 trying to out-guess at the Calhoun Building and the Supreme
15 Court building across the street. But sometimes I've been
16 successful, but not every time.

17 But it's a -- it's been my career after 20 years
18 of practicing law in the legislature, and I chose to become
19 a judge. And that was my swan song. And -- and I enjoy
20 doing it. I'd like to consider -- my wife tells me I'm
21 sort of a people person, so I enjoy the comradery with the
22 other judges and the interaction with the members of the
23 Bar.

24 Those of you who are not judges probably think
25 that we are -- I hate to call it "aloof," but above

1 intermingling with those who are going to appear before us.
2 But we have a lot of status conferences, and during trial
3 we have a lot of chamber conferences, so we do get to work
4 very close with the attorneys. And I enjoy it.

5 Q. Thank you, Judge Hayes. The Commission received
6 442 ballot box surveys regarding your candidacy, with 29
7 additional comments. The ballot box survey, for example,
8 contained the following positive comments:

9 "Judge Hayes is an extremely intelligent jurist.
10 He is truly a man of honor and character. A perfect blend
11 of scholar and effective judge."

12 Judge Hayes, of the 29 comments, one expressed a
13 concern. One comment stated, "Who the litigants are matter
14 greatly to him. Often results-oriented and disinclined to
15 listen."

16 What response would you offer to this concern?

17 A. Well, I would -- that would be one I would
18 debate. Because I do not believe there's any credible
19 evidence to support that, other than that comment, quite
20 frankly. Because I work very hard, not only on the bench -
21 - of course, great judges very hardly notice it -- and I
22 decided that as far as my rapport with those who appear
23 before me -- not the litigants, but the other people before
24 me -- that I do not want to be treated like some judges
25 have treated me. And so I use the -- maybe not try it, but

1 to do unto others as you would have then do unto you.

2 So that has been my approach in dealing with
3 litigants and lawyers. As far as impartiality, I work
4 very, very hard to apply the law and make sure that I do
5 not show any favoritism to any side. I don't have, as they
6 say, any dog in any fight that's ever come before me. And
7 as I think I disclosed in my sworn statement, if I do
8 believe there is the appearance of impropriety, I would put
9 it on the record up-front.

10 Q. Thank you, Judge Hayes. At this time, I just
11 have a few quick questions to go through. Have you sought
12 or received any pledge of any legislator prior to this
13 date?

14 A. I have not.

15 Q. Have you sought or have you been offered a
16 conditional pledge of support of any legislator, pending
17 the outcome of your screening?

18 A. I have not.

19 Q. Have you asked any third parties to contact
20 members of the General Assembly on your behalf?

21 A. I have not.

22 Q. Are you aware of anyone attempting to intervene
23 in any part of the process on your behalf?

24 A. I know of none.

25 Q. Have you contacted any members of this

1 **Commission?**

2 A. I have not.

3 **Q. Have you reviewed --**

4 A. Other than you. And you're not --

5 **Q. Correct.**

6 A. -- on the Commission.

7 **Q. Correct.**

8 A. You require me to contact you.

9 **Q. Yes, sir. That's correct.**

10 A. And I might want to put it on the record.

11 **Q. Have you reviewed the Commission's guidelines on**
12 **pledging?**

13 A. I have.

14 **Q. Do you understand that you are prohibited from**
15 **seeking a pledge or commitment until 48 hours after the**
16 **formal release of the Commission's report?**

17 A. I do.

18 **Q. And, lastly, as a follow-up, are you aware of the**
19 **penalties for violating the pledging rules; that is, it is**
20 **a misdemeanor, and upon conviction the violator must be**
21 **fined not more than one thousand dollars and imprisoned not**
22 **more than 90 days?**

23 A. I understand that.

24 MR. DAVIDSON: Thank you. I'd also note
25 that the Piedmont Citizens Committee reported that Judge

1 Hayes is qualified in the criteria of constitutional
2 qualifications, physical health and mental stability. They
3 found him well qualified in all the remaining criteria.

4 Any issues or concerns that were discovered
5 during the investigation were incorporated during into my
6 questioning today.

7 Mr. Chairman, I have no further questions.

8 REPRESENTATIVE CLEMMONS: Thank you very
9 much. Senator Martin is recognized.

10 SENATOR MARTIN: Thank you, Mr. Chairman and
11 members of the Commission.

12 Judge Hayes, it's good to see you.

13 JUDGE HAYES: Good to see you.

14 SENATOR MARTIN: Delighted you're here
15 today. And just for the benefit of the Commission, I've
16 had -- we've had several of your peers come through here
17 over the last few days, that I've had the privilege to
18 serve with. And I've pointed that out each time, and you
19 were one of those that were among the finest.

20 JUDGE HAYES: Well, we thank you. We served
21 in the House and I was gone from the Senate before you
22 moved over to --

23 SENATOR MARTIN: Right. And you -- I think
24 Wes Hayes has about six months on me over there. And I
25 also shared that during that era, before the screening

1 process developed, there were several members of the
2 Legislature that were elected, like Judge Hayes, very
3 capable, very outstanding members. And we felt like
4 they've become outstanding members of the judiciary, and he
5 has. There are other members that we elected just to get
6 rid of them.

7 JUDGE HAYES: I'm glad I don't fall into
8 that --

9 SENATOR MARTIN: You didn't fall into that
10 category.

11 EXAMINATION BY SENATOR MARTIN:

12 Q. Let me -- let me ask you, Judge Hayes, one
13 question that I've been asking -- we have just a brief
14 moment -- in regards to the -- you know, the types of cases
15 that are filed. A lot of litigation, a lot of civil
16 filings, one thing that we attempted to address -- and I'm
17 not sure how it's worked out -- is the frivolous
18 proceedings statute. And from what I gather, it's very
19 rarely, if ever, invoked. Have you ever had an occasion to
20 invoke that?

21 A. I think I've had one or two where it's been
22 raised.

23 Q. Right.

24 A. I had one recently, that was raised in a default
25 matter. And I ruled it had been properly raised, because

1 the statute has to be by motion after a verdict in favor of
2 the party who says it's frivolous. When this case, there
3 was -- it was a default, and I determined that it didn't
4 apply, that they did not, procedurally get into the ball
5 game. And so I'm familiar with the statute and -- but I've
6 not -- I can't recall ever having to -- had to actually
7 apply it to its fullest extent; that is, to make a ruling
8 or determine -- or deny it other than on that procedural
9 matter.

10 **Q. Sure. Sure. Well, again, I appreciate your**
11 **service and longstanding career that have benefitted South**
12 **Carolina. And so we just appreciate your friendship.**
13 **Thank you.**

14 A. Thank you.

15 REPRESENTATIVE CLEMMONS: Thank you, Senator
16 Martin. Any other questions or comments?

17 (No response.)

18 REPRESENTATIVE CLEMMONS: Judge, I see you
19 have a guest with you today. I don't know if he's your
20 guest or your body guard. Tommy Pope is --

21 JUDGE HAYES: I didn't see you there. I
22 would accept him as both.

23 REPRESENTATIVE CLEMMONS: It's good to have
24 you with us, Representative Speaker Pretend Governor.

25 (Off-the-record discussion.)

1 JUDGE HAYES: And I can't take sides into
2 politics, but I did get to -- when Judge Alford retired, at
3 the Christmas party -- I was at a Christmas party, and they
4 set aside part of that to honor, and roast a little bit,
5 Judge Alford. And Representative Pope could not attend, so
6 I was asked to present the flag that he gave to Judge
7 Alford on his behalf. And so I introduced that I was
8 appearing on behalf of Governor Pope.

9 REPRESENTATIVE CLEMMONS: Good for you,
10 Judg.

11 JUDGE HAYES: Thank you.

12 REPRESENTATIVE CLEMMONS: Judge, thank you
13 so much for being with us today. Thank you for your
14 service on the bench. This concludes this portion of the
15 screening process. As you know, the record will remain
16 open until such time as the report is published. You could
17 be called back at such time, if that need should arise.

18 Thank you again for offering, and for your
19 service to South Carolina.

20 (Candidate excused.)

21 REPRESENTATIVE CLEMMONS: Welcome Judge
22 Hall.

23 JUDGE HALL: Good morning -- or afternoon.

24 REPRESENTATIVE CLEMMONS: Barely afternoon.
25 Ladies and gentlemen, we have before us the Honestly Daniel

1 Dewitt Hall. He is serving on the Circuit Court 16th
2 Judicial Circuit, Seat 2.

3 Judge Hall, we are honored to have you with
4 us. Thank you for joining us.

5 JUDGE HALL: It's an honor to be here.
6 Thank you.

7 REPRESENTATIVE CLEMMONS: Thank you. Judge
8 Hall, to start things off, if you wouldn't mind, may I
9 swear you in? If you would raise your right hand.

10 WHEREUPON:

11 THE HONORABLE DANIEL DEWITT HALL, being duly
12 sworn and cautioned to speak the truth, the whole truth and
13 nothing but the truth, testifies as follows:

14 REPRESENTATIVE CLEMMONS: Judge, if you will
15 recall, you provided detailed responses to a number of
16 questions that were provided in your personal data
17 questionnaire. Could you please inform the Commission
18 whether or not those responses are still current and
19 correct? Or are they in need of any amendment at this
20 time?

21 JUDGE HALL: They are current and correct.

22 REPRESENTATIVE CLEMMONS: Thank you. Would
23 you have any objection to having that personal data
24 questionnaire included as a part of the record of your
25 testimony today?

1 JUDGE HALL: No, I do not.

2 REPRESENTATIVE CLEMMONS: Are there any
3 objections?

4 (No response.)

5 REPRESENTATIVE CLEMMONS: Hearing none, so
6 ordered.

7 (EXHIBIT NO. 23 -- Judicial Merit Selection
8 Commission Personal Data Questionnaire of Daniel
9 Dewitt Hall dated August 3rd, 2015)

10 REPRESENTATIVE CLEMMONS: Judge Hall, the
11 Judicial Merit Selection Commission has thoroughly
12 investigated your qualifications for the bench. Our
13 inquiry has been focused on the nine evaluative criteria
14 dictated by statute. As a result of that process, you are
15 with us today.

16 And there have been no affidavits filed in
17 opposition to your election, and there are no witnesses
18 present to testify other than yourself.

19 If now you would kindly turn your attention
20 to your screening attorney, and respond to any questions he
21 may have.

22 JUDGE HALL: Thank you.

23 REPRESENTATIVE CLEMMONS: Thank you.

24 MR. PEARCE: Good afternoon, Judge. You
25 have before you a sworn statement you provided, with

1 detailed answers to over thirty questions. Are there any
2 amendments you would like to make at this time?

3 JUDGE HALL: No amendments.

4 MR. PEARCE: Mr. Chairman, at this time I
5 would ask that, that sworn statement be made an exhibit of
6 the hearing record.

7 REPRESENTATIVE CLEMMONS: Is there any
8 objection?

9 (No response.)

10 REPRESENTATIVE CLEMMONS: Hearing none, so
11 ordered.

12 (EXHIBIT NO. 24 - Judicial Merit Selection
13 Commission Sworn Statement of Daniel Dewitt Hall
14 dated August 3rd, 2015)

15 EXAMINATION BY MR. PEARCE:

16 **Q. Judge, after serving since January of this year**
17 **on the circuit court, why do you want to continue serving**
18 **as a judge?**

19 A. Well, after an extensive time as a judge, a total
20 of about eleven months, I have thoroughly enjoyed it. It's
21 been the -- if you look at my background, it's -- I've had
22 a lot of jobs. It's the -- it is the best job I've ever
23 had.

24 **Q. Judge, the Commission has received 177 ballot box**
25 **surveys regarding you, with additional comment -- with four**

1 additional comments to it. In the survey there were a
2 number of positive comments, including comments that stated
3 you were an excellent jurist, and an even better man. You
4 had ideal patience that you were -- had all the
5 qualifications to make an outstanding judge, and that you
6 certainly should be reelected.

7 There was one comment that could be taken as a
8 concern -- or it may just be a comment -- and that comment
9 stated that the jury was still out, but they felt that you
10 would be a good judge. Do you have any response to offer
11 to that statement?

12 A. I think that's probably a pretty honest
13 assessment of any judge who's only been a judge for eleven
14 months: The jury is probably still out.

15 Q. I do have some housekeeping questions I need to
16 ask you today, Judge, as well. Have you sought or received
17 the pledge of any legislator prior to this date?

18 A. No.

19 Q. Have you sought or have you been offered a
20 conditional pledge of support of any legislator, pending
21 the outcome of your screening?

22 A. No.

23 Q. Have you asked any third parties to contact
24 members of the General Assembly on your behalf?

25 A. No.

1 Q. Are you aware of anyone attempting to intervene
2 in any part of this process on your behalf?

3 A. No.

4 Q. Have you contacted any members of the Commission?

5 A. No.

6 Q. Do you understand that you are prohibited from
7 seeking a pledge or a commitment until 48 hours after the
8 formal release of this Commission's report?

9 A. I understand that.

10 Q. Have you reviewed the Commission's guidelines
11 regarding pledging?

12 A. I have.

13 Q. As a follow-up, are you aware of the penalties
14 for violating the pledging rules; that it's a misdemeanor,
15 and upon conviction any violator must be fined not more
16 than a thousand dollars or imprisoned for not more than 90
17 days?

18 A. I'm aware of the penalty.

19 MR. PEARCE: I would like to note, Mr.
20 Chairman and members of the Commission, that the Piedmont
21 Citizens Committee reported that Judge Hall is qualified
22 regarding constitutional qualifications, physical health
23 and mental stability, and was well qualified in all other
24 categories.

25 And they did provide in their report, the

1 additional comment that, quote, "We have received a number
2 of reports attesting to Judge Hall's diligence, courtesy,
3 and ability during his relatively brief time on the bench
4 so far. By all accounts, he is a fine circuit court
5 judge."

6 I would just note for the record, too, Mr.
7 Chairman, that any concerns raised during the investigation
8 regarding this candidate, have been incorporated into my
9 questions today. And I don't have any further questions.

10 REPRESENTATIVE CLEMMONS: Thank you very
11 much. Are there any questions by any member of the
12 Commission? Ms. Wall?

13 JUDGE HALL: Yes, ma'am.

14 EXAMINATION BY MS. WALL:

15 **Q. Judge Hall, as a new judge, how would you**
16 **describe for us what you think is the appropriate judicial**
17 **temperament? And do you attempt to apply that as a judge?**

18 A. Well, as a practicing attorney in the court of
19 law, I've often just wanted a judge to be nice to me and
20 listen to my argument, and not embarrass me in front of my
21 clients. And so I try to carry that same demeanor with the
22 attorneys and parties that are in front of me.

23 **Q. Thank you.**

24 MS. WALL: Thank you, Mr. Chairman.

25 REPRESENTATIVE CLEMMONS: Thank you, Ms.

1 Wall.

2 SENATOR MARTIN: Mr. Chairman?

3 REPRESENTATIVE CLEMMONS: Senator Martin is
4 recognized.

5 SENATOR MARTIN: Mr. Chairman and members of
6 the Commission. Judge Hall, we thank you for your service.
7 I just wanted to point out -- of course, I couldn't
8 remember, 'cause we have so many judicial elections, and I
9 haven't been on this commission but maybe three years now,
10 four years --

11 JUDGE HALL: And there were some before you
12 were on it.

13 SENATOR MARTIN: Yeah. Yeah. I mean, it
14 goes way back. I just want to commend you for your
15 persistence, and obvious desire to serve on the bench. And
16 I know you're taking that very seriously, as evidence by
17 the efforts you've made. I truly regret that you have come
18 up this quickly after having been elected. I mean, that's
19 just part of the process of you having to go through it
20 again. But we do appreciate and recognize your dedication,
21 and, again, your persistence in desiring to be on the
22 bench. And I just wish you continued -- all the best.

23 JUDGE HALL: Well, I deeply appreciate the
24 opportunity to serve. And I do deeply appreciate the --
25 when this Commission nominated me in the past, to put me in

1 the position where I could seek election. So I appreciate
2 the work that y'all do. And -- and I think I'm probably a
3 better judge for having to go through the process many,
4 many times. I'm sure y'all particularly care about
5 candidates who repeatedly come in front you. But on the
6 other hand, that's part of the process as well.

7 REPRESENTATIVE CLEMMONS: Representative
8 Bannister.

9 REPRESENTATIVE BANNISTER: One quick
10 comment. There's some of them we don't like and there's
11 some of them we do. It's good -- it's good to see you
12 again --

13 JUDGE HALL: I'll remember that if you're
14 ever --

15 REPRESENTATIVE BANNISTER: -- six years.

16 JUDGE HALL: -- front of me.

17 REPRESENTATIVE CLEMMONS: While it may be
18 readily apparent from the investigative matters before you
19 that he is an excellent jurist, what might not be apparent
20 to you is that he is also a cowboy that can ride, rope, and
21 brand with the best cowboys out there.

22 JUDGE HALL: I don't do that anymore. A
23 horse fell on my foot about two years ago, so I had to quit
24 that.

25 REPRESENTATIVE CLEMMONS: Oh, I see. You

1 just ride the bench now.

2 JUDGE HALL: Well, you get to -- at a
3 certain point and state in your life, you're not as quick
4 and as nimble as you used to be. And I've reached that
5 point.

6 REPRESENTATIVE CLEMMONS: I'm sorry to hear
7 that. Judge, it's a pleasure to have you with us. Thank
8 you for being here today. This will conclude this portion
9 of our screening process.

10 As you know, the record will remain open
11 until the report's published. And you could be called back
12 at such time, if that need should arise.

13 Again, we are grateful for your service to
14 South Carolina, by serving on the bench. Thank you for
15 being with us today.

16 JUDGE HALL: Thank you. Thank you all.

17 REPRESENTATIVE CLEMMONS: Thank you, Judge
18 Hall.

19 (Candidate excused.)

20 REPRESENTATIVE CLEMMONS: Ladies and
21 gentlemen, that last candidate -- I don't know whether he
22 realized it or not, but he was standing between Senator
23 Martin and lunch. Lunch is here. It is served. So we are
24 going to adjourn and stand at ease for lunch. We will come
25 back at 1:15, at which time we will immediately go into

1 executive session. So I would ask, if you would, kindly be
2 here promptly at 1:15. Thank you.

3 (A recess was taken from 12:20 p.m. to 1:18 p.m.)

4 REPRESENTATIVE CLEMMONS: Ladies and
5 Gentlemen, we are arising out of executive session. We
6 discussed the issue of qualifications of the candidates
7 that have so far been screened today. No votes were taken,
8 no decisions were made. And we're are back on the -- on
9 the record now for the purpose of finding candidates
10 qualified and nominated.

11 Do we have a motion with regard to the
12 candidates that we have -- we have screened today in terms
13 of -- let me read the names of the candidates that we
14 screened today:

15 The Honorable James Edward Lockemy, Court of
16 Appeals, Seat 9; The Honorable Edgar Warren Dickson,
17 Circuit Court, 1st Judicial Circuit, Seat 1; The Honorable
18 Diane Schafer Goodstein, Circuit Court, 1st Judicial
19 Circuit, Seat 2; The Honorable Doyet A. Early, III, Circuit
20 Court, 2nd Judicial Circuit, Seat 1; The Honorable Ralph
21 Ferrell Cothran, Jr., Circuit Court, 3rd Judicial Circuit,
22 Seat 1; The Honorable Brian M. Gibbons, Circuit Court, 6th
23 Judicial Circuit, Seat 1; The Honorable Frank Robert Addy,
24 Jr., Circuit Court, 8th Judicial Circuit, Seat 1; The
25 Honorable David Garrison Hill, Circuit Court, 13th Judicial

1 Circuit, Seat 4; The Honorable Steven H. John, Circuit
2 Court, 15th Judicial Circuit, Seat 1; The Honorable John
3 Calvin Hayes, III, Circuit Court, 16th Judicial Circuit,
4 Seat 1; and The Honorable Daniel Dewitt Hall, Circuit
5 Court, 16th Judicial Circuit, Seat 2.

6 Do we have a motion? Senator Malloy?

7 SENATOR MALLOY: Mr. Chairman, in light of
8 the appearances that we had today, I have a unanimous
9 consent request. And the unanimous consent request would
10 be that the names that you have listed, that we would find
11 them all qualified and nominated by unanimous consent.

12 REPRESENTATIVE CLEMMONS: Thank you very
13 much. And --

14 REPRESENTATIVE MACK: Second.

15 REPRESENTATIVE CLEMMONS: And we have a
16 second by Mr. Mack. All those in favor, please raise your
17 hand.

18 SENATOR MALLOY: You can tell, we don't do
19 unanimous consent --

20 REPRESENTATIVE CLEMMONS: We can't do
21 unanimous consent. We have to do votes. Okay. Thank you.

22 SENATOR MALLOY: I so move.

23 REPRESENTATIVE CLEMMONS: It is by
24 acclamation. The list of candidates just entered into the
25 record are all found qualified and nominated.

1 We will now proceed with our screening --

2 MR. WILCOX: All our ballots would we mark
3 them as qualified and nominated?

4 REPRESENTATIVE CLEMMONS: Yes, sir.

5 MR. WILCOX: There was some question
6 yesterday.

7 (Off-the-record discussion.)

8 REPRESENTATIVE CLEMMONS: I'm told by staff
9 that, being a unanimous decision, we don't need a ballot.

10 All right. Proceeding with our screenings.
11 Please bring in The Honorable William J. Wylie, Jr., Family
12 Court, 1st Judicial Circuit, Seat 2.

13 We have before us, The Honorable William J.
14 Wylie, Jr., Family Court, 1st Judicial Circuit, Seat 2.
15 Judge, it's good to have you with us today. Thank you for
16 joining us.

17 JUDGE WYLIE: Thank you.

18 REPRESENTATIVE CLEMMONS: Judge, if you
19 would please raise your right hand and be sworn.

20 WHEREUPON:

21 THE HONORABLE WILLIAM J. WYLIE, JR., being
22 duly sworn and cautioned to speak the truth, the whole
23 truth and nothing but the truth, testifies as follows:

24 REPRESENTATIVE CLEMMONS: Judge, you have
25 providing this Commission with responses to the personal

1 data questionnaire that was given to you early on in this
2 process, and you provided answers to those questions. Are
3 those answers still current and correct? Or is there any
4 need for amendment?

5 JUDGE WYLIE: They are correct.

6 REPRESENTATIVE CLEMMONS: Thank you very
7 much. Do you have any objection to those responses being
8 entered into the record as a part of your sworn testimony?

9 JUDGE WYLIE: None whatsoever.

10 REPRESENTATIVE CLEMMONS: Thank you very
11 much. Is there any objection?

12 (No response.)

13 REPRESENTATIVE CLEMMONS: Hearing none, so
14 ordered.

15 (EXHIBIT NO. 25 - Judicial Merit Selection
16 Commission Personal Data Questionnaire of William
17 J. Wylie, Jr. dated August 3rd, 2015)

18 REPRESENTATIVE CLEMMONS: Judge, the
19 Judicial Merit Selection Commission has thoroughly
20 investigated your qualifications for continuation on the
21 bench. Our inquiry has focused on the statutory nine
22 evaluative criteria. As a result of that process, we have
23 had no applications filed in opposition to your election,
24 and there are no witnesses present to testify except
25 yourself today.

1 We would ask that if you turn your attention
2 to Ms. Simpson, and respond to any questions she may have.

3 JUDGE WYLIE: Certainly.

4 REPRESENTATIVE CLEMMONS: Thank you.

5 MS. SIMPSON: Good afternoon, Judge Wylie.
6 You have before you the sworn statement you provided, with
7 detailed answers to over thirty questions. Are there any
8 amendments you would like to make at this time to your
9 sworn statement?

10 JUDGE WYLIE: No.

11 MS. SIMPSON: At this time, Mr. Chairman, I
12 would like that Judge Wylie's sworn statement be entered as
13 an exhibit into the hearing record.

14 REPRESENTATIVE CLEMMONS: Are there any
15 objections?

16 (No response.)

17 REPRESENTATIVE CLEMMONS: Hearing none, so
18 ordered.

19 (EXHIBIT NO. 26 - Judicial Merit Selection
20 Commission Sworn Statement of William J. Wylie,
21 Jr., dated August 4th, 2015)

22 EXAMINATION BY MS. SIMPSON:

23 **Q. Judge Wylie, after serving 17 years on the family**
24 **court bench, why do you want to continue to serve as a**
25 **family court judge?**

1 A. I continue to feel that this is just a tremendous
2 responsibility, and I -- and I have a -- and a great
3 privilege, as well an honor. And I do have a strong sense
4 of being where I feel like I am well suited. And, quite
5 frankly, I still enjoy this job very much.

6 Q. Thank you. Judge Wylie, the Commission received
7 304 ballot box surveys regarding you, with 26 additional
8 comments. The ballot box survey, for example, contained
9 the following positive comments:

10 "An excellent judge of great character, ability,
11 and demeanor. He has an excellent courtroom demeanor and
12 deep understanding of family law. He is a pleasure to
13 appear before. Well respected among many."

14 Five of the written comments expressed concerns.
15 Similar to a matter discussed in previous screenings, some
16 comments indicated that you've made inappropriate or
17 disparaging comments in the courtroom about witness
18 testimony and lawyers. What response would you offer to
19 these concerns?

20 A. Well, I would say, first of all, that I'm
21 encouraged by -- you know, I've been in family court over
22 17 years, but I've been a judge in one capacity or another
23 since 1989. So I guess that's over 25 years. So out of
24 the many, many hundreds of lawyers who've appeared before
25 me, that there would just be a few negative comments is

1 encouraging.

2 But at the same time, I take it to heart.
3 Because I don't want anyone to ever leave my courtroom
4 feeling that they were in any way treated inappropriately.
5 That's not who I am as a judge, it's not who I am as a
6 person. And I do take that to heart and take it to mean
7 that, certainly, there is room for improvement.

8 **Q. Thank you. Some other concerns indicated that**
9 **you had either failed to make rulings, or your rulings had**
10 **been delayed, placing the parties in difficult financial**
11 **circumstances and children in jeopardy. What response**
12 **would you offer to these concerns?**

13 A. I know of no time where I have failed to rule. I
14 would say that there have been a few times where decisions
15 have been delayed. Sometimes those were inadvertent. I
16 think part of my disclosures was a grievance where a person
17 believed that I had taken an inordinate amount of time to
18 make a ruling, complaining that six months was just simply
19 too long. Well, in reality, I had made that decision, and
20 the ruling -- the order had been filed with the Clerk of
21 Court, but that litigant had apparently dismissed their
22 lawyer and never got a copy of the ruling. So there had
23 been a ruling in place. I am one who occasionally will --
24 takes things under advisement.

25 I think, typically, at the end of a long trial,

1 there may be some complicated financial exhibits that have
2 been entered, and things that I do want to be able to take
3 time to reflect over and consider. And things have gotten
4 in the way, at times, of getting a prompt decision. I
5 would say it is my practice to try to have a decision made
6 during the week, in which I take a case under advisement.
7 That hasn't always been the case.

8 And there are probably have been a few that have
9 gone beyond that. Maybe a very few that have actually
10 fallen through the cracks. And certainly, that is
11 unfortunate. It's one of the reasons why I'm taking
12 matters under advisement, I even invite the attorneys or
13 the self-represented litigants to contact my office if they
14 have not had a decision with two weeks and expect it sooner
15 than that. But I certainly would encourage them to contact
16 me if they have not heard.

17 My secretary keeps a running list of the matters
18 I've taken under advisement; I mark the docket daily. But
19 I would not stand before you and tell you that there hadn't
20 been a few times that things have fallen through the
21 cracks.

22 **Q. Thank you. Lastly, other concerns indicated that**
23 **you have -- that you give no guidance for proposed orders,**
24 **and require unnecessary work by lawyers. What response**
25 **would you offer to these concerns?**

1 A. Well, I hadn't heard that concern before
2 expressed. I do give guidance by way of a written
3 memorandum -- some more detailed than others. But it has
4 been a tradition, as I grew up as an attorney, the judges
5 announcing their decisions, it was the lawyer's role to
6 prepare the detailed order that was supported by the
7 record.

8 I always felt as an attorney, that, that, quite
9 frankly, gave me some leeway to craft an order that I
10 believed fully supported my client's position from the
11 record. And have always preferred a sort of general
12 outline of the ruling, as opposed to -- to many details.
13 But I will certainly keep that in mind.

14 I don't know how else to respond. I don't know
15 the -- I certainly didn't realize that anyone had a
16 complaint that my ruling was not detailed enough and it
17 created difficulty for them. I have had some detailed
18 memorandums go out that came back with just a caption
19 attached to the top of it by the attorney, which was
20 entirely inappropriate, and not a good order. So maybe
21 that's a little bit on the attorney as well, who's making
22 that claim.

23 **Q. Thank you, Judge Wylie. Just a few housekeeping**
24 **issues. Have you sought or received a pledge of any**
25 **legislator prior to this date?**

1 A. I have not.

2 Q. Have you sought or have you been offered a
3 conditional pledge of support of any legislator, pending
4 the outcome of your screening?

5 A. No.

6 Q. Have you asked any third parties to contact
7 members of the General Assembly on your behalf?

8 A. No.

9 Q. Are you aware of anyone attempting to intervene
10 in any part of this process on your behalf?

11 A. No.

12 Q. Have you contacted any members of the Commission?

13 A. No.

14 Q. Do you understand that you are prohibited from
15 seeking a pledge or a commitment until 48 hours after the
16 formal release of the Commission's report?

17 A. Yes.

18 Q. Have you reviewed the Commission's guidelines on
19 pledging?

20 A. I have.

21 Q. As a follow-up, are you aware of the penalties
22 for violating the pledging rules; that is, it is a
23 misdemeanor, and upon conviction the violator must be fined
24 not more than one thousand dollars or imprisoned not more
25 than 90 days?

1 A. Yes.

2 MS. SIMPSON: I would like to note that the
3 Lowcountry Citizens Committee reported that Judge Wylie is
4 qualified as to the constitutional qualifications, physical
5 health, mental stability, and well qualified as to ethical
6 fitness, professional and academic ability, character,
7 reputation, experience and judicial temperament.

8 I would just note for the record, that any
9 concerns raised during the investigation regarding the
10 candidate, were incorporated into the questioning of the
11 Commission today.

12 Mr. Chairman, I have no further questions.

13 REPRESENTATIVE CLEMMONS: Thank you, Ms.
14 Simpson. Representative Bannister is recognized.

15 REPRESENTATIVE BANNISTER: Thank you, Mr.
16 Chairman. I just want to comment on a couple things.
17 Number one, a lot of times at the end of a very contested
18 trial, taking the matter under advisement, even if you know
19 how you're going to rule, is a much better idea; it helps
20 everyone go home and to relax a little bit and not feel
21 like if you rule immediately.

22 There's -- the cases I've been in, the
23 litigants would feel like you did not consider their
24 position. So that would be a disservice. Please don't
25 change that. That's a good thing to do. Even if you issue

1 instructions an hour later, the clients feel like they --
2 you've given it some consideration. When you say, "I'm
3 going to go read all the documents," it makes them feel
4 good. So despite the criticism, don't -- don't change
5 that. That's a good thing.

6 JUDGE WYLIE: Thank you.

7 REPRESENTATIVE BANNISTER: I had a -- in
8 Greenville, the Clerk of Court, if they get a motion after
9 three o'clock, they don't file it till the next day. So on
10 the tenth day of a motion we consider, the clerk just takes
11 the position you didn't file it in time, despite it being
12 five o'clock at the end of the day. So I'm in touch with -
13 - sometimes, as hard as they work, the clerks don't always
14 get everything done right on time. So I appreciate,
15 perhaps, one of your orders didn't get mailed out. I've
16 had some run-ins with how they operate as well.

17 And then on the -- there are cases in family
18 court where you have a particular -- I don't know if you do
19 this or not, where there's a real technical issue, and both
20 sides are making a sort of nuanced argument about why
21 they're writing. And on those, sometimes I request that
22 both sides get to send proposed orders. Frankly, 'cause
23 the testimony gets convoluted. And if I can put it in an
24 order so you can read it, I feel like if you have both
25 sides arguments, it's almost like a brief -- it's like a

1 post-trial brief in the form of an order. So I -- some
2 lawyers might not like that.

3 But in family court, on some cases, that's a
4 good thing. So of the complaints that people complain
5 about, all those things are good. I like them, so don't
6 stop doing them. That's a positive. It's not a negative.

7 JUDGE WYLIE: I think that's good advice.

8 REPRESENTATIVE BANNISTER: From one member
9 of this committee who does a lot of family court work, all
10 those things are -- are good. And we're asking -- we're
11 asking the judges that are coming, if there are complaints
12 that are legitimate, that you take those and sort of
13 incorporate them --

14 JUDGE WYLIE: In a highly effective way.

15 REPRESENTATIVE BANNISTER: -- in how you be
16 a judge. But only if they're legitimate. And I'm just
17 pointing out, a lot of those aren't. So --

18 JUDGE WYLIE: Thank you.

19 REPRESENTATIVE BANNISTER: Thank you, Judge.
20 Appreciate you being here.

21 (Off-the-record discussion.)

22 REPRESENTATIVE CLEMMONS: Any other
23 questions or comments for the judge?

24 (No response.)

25 REPRESENTATIVE CLEMMONS: Hearing none,

1 Judge Wylie, thank you so much for being here with us
2 today.

3 JUDGE WYLIE: Thank you.

4 REPRESENTATIVE CLEMMONS: This -- that
5 concludes this portion of our screening process. As you
6 know, the record will remain open until the report is
7 published. And you could be called back at that time, if
8 such need should arise.

9 Again, we want to thank you for your service
10 to South Carolina. Thank you for offering again. We
11 appreciate your service and look forward to seeing you
12 again.

13 JUDGE WYLIE: Thank you.

14 REPRESENTATIVE CLEMMONS: Thank you, sir.

15 (Candidate excused.)

16 REPRESENTATIVE CLEMMONS: Good afternoon.

17 JUDGE MCLIN: Hello.

18 REPRESENTATIVE CLEMMONS: It's good to have
19 you with us today.

20 JUDGE MCLIN: Thank you for having me. Glad
21 to be here.

22 REPRESENTATIVE CLEMMONS: Thank you for
23 joining us. We have before us The Honorable Nancy Chapman
24 McLin. She is serving on the family court bench, 1st
25 Judicial Circuit, Seat 3.

1 JUDGE MCLIN: Yes, sir.

2 REPRESENTATIVE CLEMMONS: Let's start by
3 swearing you in. If you'd raise your right hand, please.

4 WHEREUPON:

5 THE HONORABLE NANCY CHAPMAN MCLIN, being
6 duly sworn and cautioned to speak the truth, the whole
7 truth and nothing but the truth, testifies as follows:

8 REPRESENTATIVE CLEMMONS: As you may recall,
9 we provided you -- the Commission provided you, some time
10 ago, with a personal data questionnaire, which you
11 completed with very thorough answers. Are those responses
12 correct and current as of today? Or is there any need of
13 amendment?

14 JUDGE MCLIN: No, sir. They're correct. I
15 stand by those responses.

16 REPRESENTATIVE CLEMMONS: Thank you. Would
17 you have any objection to those responses being including
18 in -- included in the record today as part of your sworn
19 testimony?

20 JUDGE MCLIN: Not at all.

21 REPRESENTATIVE CLEMMONS: Thank you. Are
22 there any objections?

23 (No response.)

24 REPRESENTATIVE CLEMMONS: Hearing none, so
25 ordered.

1 (EXHIBIT NO. 27 - Judicial Merit Selection
2 Commission Personal Data Questionnaire of The
3 Honorable Nancy Chapman McLin dated August 5th,
4 2015)

5 REPRESENTATIVE CLEMMONS: Judge, the
6 Judicial Merit Selection Commission has thoroughly
7 investigated your qualifications for continuation on the
8 bench. Our inquiry has focused on your service and the
9 nine evaluative criteria. And we -- as a result of that
10 process, we have received no affidavits filed in opposition
11 to your election, and there is no one here to testify in
12 this matter other than yourself.

13 We would ask that you turn your attention to
14 your screening attorney, and respond to any questions that
15 she may have.

16 JUDGE MCLIN: Yes, ma'am.

17 MS. ANDERSON: Good afternoon, Judge McLin.

18 JUDGE MCLIN: Hello.

19 MS. ANDERSON: You have before you, the
20 sworn statement you provided, with detailed answers to over
21 thirty questions. Are there any amendments that you would
22 like to make at this time to your sworn statement?

23 JUDGE MCLIN: No, ma'am.

24 MS. ANDERSON: At this time, Mr. Chairman, I
25 would like to ask that Judge McLin's sworn statement be

1 entered as an exhibit into the hearing record.

2 REPRESENTATIVE CLEMMONS: Any objection?

3 (No response.)

4 REPRESENTATIVE CLEMMONS: Hearing none, so
5 ordered.

6 (EXHIBIT NO. 28 - Judicial Merit Selection
7 Commission Sworn Statement of The Honorable Nancy
8 Chapman McLin dated August 7th, 2015)

9 EXAMINATION BY MS. ANDERSON:

10 **Q. Judge McLin, after serving 17 years on the family**
11 **court, why do you want to continue serving as a family**
12 **court judge?**

13 A. I love doing my job. I've enjoyed it thoroughly
14 over the last 17 years. It's always something different
15 every day. I like helping the children. The cases are
16 interesting, the work is challenging. I enjoy the job very
17 much.

18 **Q. Judge McLin, the Commission received 152 ballot**
19 **box surveys regarding you, with 23 additional comments.**
20 **The ballot box survey contained some of the following**
21 **positive comments:**

22 "An excellent judge of great character, ability,
23 and demeanor. Great judge. Empathetic. Listens. She is
24 quite perceptive on the bench, and really wants to make
25 sure she does the right thing. Even writes her own orders

1 on occasion."

2 **Seven of the written comments expressed concerns.**
3 **One of the concerns dealt with judicial temperament. What**
4 **response would you offer to this concern?**

5 A. Well, I'm sad that anyone would have anything
6 negative to say about judicial temperament. Because I know
7 that family court is so sensitive and so emotionally
8 charged, I try to be very mindful of the people that come
9 in the courtroom, to make sure that everyone's comfortable,
10 and follow the rules of evidence, rules of procedure and
11 applicable laws, strictly. I really don't know why they
12 would say that, other than there are occasions where a
13 judge has to be firm, if the litigants are getting too out
14 of hand in a situation.

15 There are occasions, sometimes, when lawyers come
16 in and they want to be overly friendly as they enter the
17 courtroom, and I'm mindful about the perception of the
18 litigants on whether or not there might be a relationship
19 with the lawyers, just by the general hospitality that
20 lawyers want to come in and speak to you. So the only
21 thing I can think of is perhaps on those occasions when I
22 don't act overly friendly with lawyers as they enter the
23 courtroom, they might perceive that to be the demeanor I'm
24 exhibiting, when really I'm just trying to keep it -- to
25 make sure the litigants understand that there's no

1 impartiality, or there's no favoritism towards the
2 attorneys, just by speaking to them or seemingly overly
3 friendly. So that's the only thing I can think of on that
4 issue.

5 **Q. A second concern deals with the issuance of**
6 **orders. Two related concerns were raised, one regarding**
7 **the length of time it takes to receive signed orders; and**
8 **the second, the substance of an order, implying, for**
9 **example, that sometimes you would write an order. What**
10 **response would you offer to these concerns?**

11 A. I take great pride in my orders. I do on
12 occasions draft orders if I don't feel like the orders that
13 were submitted were appropriate or supported as well as I
14 thought they should be. So there are occasions when it
15 does take a little extra time. When we have dockets that
16 run from nine to five every day, it doesn't afford as much
17 time. So I oftentimes have to work after hours, or come in
18 on the weekends. It's almost every Saturday, I'm in the
19 office -- and sometimes on Sundays too -- trying to keep up
20 with all the orders that come in.

21 So there is a -- there are occasions when it
22 takes a little bit longer than I would like for the order
23 to get out, but it's because I'm spending the time that I
24 think it requires to have it well supported. And I think
25 that's the reason my orders haven't been reversed.

1 **Q. And a third concern raised is the perception of**
2 **being indecisive. For example, you would conflict yourself**
3 **out of a case to avoid a complicated matter. What response**
4 **would you offer to this concern?**

5 A. I have no problem whatsoever dealing with
6 complicated cases. I've tried many complicated cases with
7 multi-million-dollar estates. I actually like the
8 challenge of doing a complicated case. The conflicts --
9 you know, we have to follow the rules of ethics in our
10 canons, and I take those seriously. And if there's a
11 conflict, I always make sure I make appropriate disclosure.

12 There are occasions -- I had a neighbor, for
13 instance, that practices in the family courts, and I try
14 not to hear his cases, because I don't want clients to feel
15 like he somehow got an unfair advantage because I have a
16 social relationship or see him on occasions with him living
17 next door. So that's the only time that I would typically
18 recuse myself, or have a conflict that would require that I
19 not hear a case. But it's absolutely not because of the
20 complexity of the case.

21 **Q. You indicated in your personal data questionnaire**
22 **that, since your last screening, two lawsuits were filed**
23 **against you; one in 2011, and the other in 2014. The**
24 **lawsuit in 2011 was filed against you as well as others, by**
25 **Robert Cox. Please explain the nature and disposition of**

1 **the lawsuit.**

2 A. Mr. Cox filed his lawsuit, I think, about a week
3 before his child support rule was scheduled to be heard in
4 the 1st Circuit. And he filed it against all the 1st
5 Circuit judges. It was -- I don't know that I had ever
6 even met Mr. Cox until the rule to show cause, when he
7 appeared in front of me and he presented the papers. We
8 were never served -- I was never served with the lawsuit,
9 it never went anyway. It was dismissed. But it appeared
10 to me, at least, that it was clear -- even looking at the
11 pleading that he filed, it appeared clear that he filed
12 that in an effort to have all the judges in the 1st Circuit
13 recused from his child support enforcement action. He
14 wasn't paying his child support, and it was clear that he
15 was trying to have it where none of the judges could hear
16 it.

17 **Q. And the second lawsuit in 2014 was filed against**
18 **you, as well as others, by Lori Lee Perry. Can you please**
19 **explain the nature and disposition of this lawsuit?**

20 A. I think that was a similar case. Ms. Perry had
21 some contempt actions that were pending in the family
22 court. I think she actually sued the magistrate and the
23 sheriff and everybody else in the country as well. But it
24 also is another case that appeared that it was clear there
25 was an effort to try to stall the litigation that involved

1 enforcement of a family court order. I think both of those
2 cases, too, they also asked for jury trials. Which, of
3 course, we don't have that option.

4 **Q. I have a few housekeeping issues.**

5 A. Yes, ma'am.

6 **Q. Have you sought or received the pledge of any**
7 **legislator prior to this date?**

8 A. Absolutely not.

9 **Q. Have you sought or have you been offered a**
10 **conditional pledge of support of any legislator, pending**
11 **the outcome of your screening?**

12 A. No.

13 **Q. Have you asked any third parties to contact**
14 **members of the General Assembly on your behalf?**

15 A. No, ma'am.

16 **Q. Are you aware of anyone attempting to intervene**
17 **on any part of this process on your behalf?**

18 A. No, ma'am.

19 **Q. Have you contacted any members of the Commission?**

20 A. No, ma'am.

21 **Q. Do you understand that you are prohibited from**
22 **seeking a pledge or commitment until 48 hours after the**
23 **formal release of the Commission's report?**

24 A. Yes, ma'am.

25 **Q. Have you reviewed the Commission's guidelines on**

1 **pledging?**

2 A. Yes, ma'am.

3 **Q. And as a follow-up, are you aware of the**
4 **penalties for violating the pledging rules; that is, it is**
5 **a misdemeanor, and upon conviction the violator must be**
6 **fined not more than a thousand dollars or imprisoned not**
7 **more than 90 days?**

8 A. Yes, ma'am.

9 MS. ANDERSON: I would note for the record
10 that the Lowcountry Citizens Committee reported that Judge
11 McLin is qualified as to constitutional qualifications,
12 physical health and mental stability, and well qualified as
13 to ethical fitness, professional and academic ability,
14 character, reputation, experience, and judicial
15 temperament.

16 I would note for the record that any concern
17 raised during the investigation regarding Judge McLin, were
18 incorporated into today's questioning.

19 Mr. Chairman, I have no further questions.

20 REPRESENTATIVE CLEMMONS: Thank you very
21 much. Members of the Commission, do you have questions?
22 Dean Wilcox?

23 EXAMINATION BY MR. WILCOX:

24 **Q. Judge, I first would like you to know I am Robert**
25 **Wilcox, not Robert Cox. One of the values of coming before**

1 the commission every so often is not so much that
2 necessarily we find things which are disqualifying, but you
3 do get a little feedback from the people appearing in front
4 of you.

5 A. Absolutely.

6 Q. And when I look at the comments about --
7 particularly preparing orders and things like that, it
8 strikes me that for the most part, they don't talk about
9 the things being done wrong in the court, but maybe to some
10 extent lawyers not fully understanding what you want from
11 them. Have you given any thought, in light of those
12 comments, to things you might do --

13 A. Absolutely.

14 Q. -- and the way you'd deal with that?

15 A. I appreciate the criticism in reference to the
16 demeanor. I mean, it's made me take a step back and think
17 about that, as people enter the courtroom, and be a little
18 more mindful about that stuff. I do think that, that is
19 definitely an advantage of coming through here and getting
20 some of that feedback.

21 You know, and I do have thought -- I do have
22 memos and things I send out when -- for instance, when I
23 make a ruling in that nature. And so I have given that
24 some thought about improving that, offering a little more
25 detail to assist lawyers in getting those orders.

1 **Q. Thank you.**

2 A. Thank you.

3 REPRESENTATIVE CLEMMONS: Representative
4 Bannister.

5 EXAMINATION BY REPRESENTATIVE BANNISTER:

6 **Q. I just have one quick question.**

7 A. Yes, sir.

8 **Q. One of the comments, and it was talking about**
9 **demeanor -- and I think you've addressed that, so I'm not**
10 **interested in that. I am interested it said that the**
11 **practitioners who were here before you when you were a**
12 **visiting judge are not familiar with your practices. Do**
13 **you require lawyers to do anything differently at your**
14 **temporary hearing or trials, than would be called for by**
15 **the family court rules? Do you have any of your own?**

16 A. I'm just a stickler for the rules, is probably
17 it. 'Cause I do strictly follow the rules, I'm going to
18 check on the service and things like that. I'm pretty
19 strict. Sometimes lawyers will ask you to kind of fudge a
20 little bit on what the rules were if they didn't quite send
21 out proper notice. So probably, if anything,
22 Representative, I would say that it's probably I'm a
23 stickler for the rules.

24 **Q. Okay. I just heard it through the grape -- not**
25 **about you.**

1 A. Yes, sir.

2 Q. But that just jogged my memory, that there were
3 some folks -- some family court judges who were issuing
4 their own rules about how to conduct a temporary hearing,
5 and putting their own limitations on what lawyers could do
6 in their --

7 A. No.

8 Q. -- courtroom. That's not you.

9 A. Absolutely not.

10 Q. And you would --

11 A. And, you know, the chief justice -- I think we
12 got to get permission from the chief if we do anything
13 special like that. But I don't have any particular rules.
14 And it's the same -- it's the same practice that I followed
15 when I was practicing law --

16 Q. Right.

17 A. -- as a family practitioner. And so I know what
18 it's like to be in the trenches. And I certainly
19 appreciate what the lawyers do, very much.

20 Q. Thank you.

21 A. Yes, sir.

22 REPRESENTATIVE CLEMMONS: Any other
23 questions?

24 (No response.)

25 REPRESENTATIVE CLEMMONS: Hearing none,

1 Judge McLin, thank you so much for being here --

2 JUDGE MCLIN: Thank you.

3 REPRESENTATIVE CLEMMONS: -- with us today.

4 And thank you for your service --

5 JUDGE MCLIN: I appreciate --

6 REPRESENTATIVE CLEMMONS: -- to South
7 Carolina.

8 JUDGE MCLIN: -- what y'all do. Thank you
9 very much.

10 REPRESENTATIVE CLEMMONS: This concludes
11 this particular portion of the screening process. As you
12 know, the record will remain open until the report is
13 published. And it's possible you could be called back at
14 that time, if that need should arise.

15 Again, we thank you for your service to
16 South Carolina.

17 JUDGE MCLIN: Thank you very much. Thank
18 y'all for having me. Have a good day.

19 REPRESENTATIVE CLEMMONS: You too.

20 (Candidate excused.)

21 REPRESENTATIVE CLEMMONS: We have before us,
22 Ladies and Gentlemen of the Commission, The Honorable Vicki
23 J. Snelgrove, Family Court, 2nd Judicial Circuit, Seat 1.
24 We appreciate you being with us this afternoon.

25 JUDGE SNELGROVE: Thank you. I appreciate

1 you giving me the opportunity.

2 REPRESENTATIVE CLEMMONS: Thank you. Judge
3 Snelgrove, as you will recall, we provided you with a
4 personal data questionnaire, early on in this process, to
5 which you gave a very thorough reply. Is there -- is that
6 -- are those responses current and correct today? Or is it
7 in need of any change or amendment?

8 JUDGE SNELGROVE: The only thing that would
9 be current -- I'm not sure it's in the personal data
10 questionnaire -- was about a -- the Feinman [sic] case.
11 This one case has been ruled upon by the Supreme Court: The
12 Moore versus Moore case.

13 REPRESENTATIVE CLEMMONS: Thank you. With
14 regard to that one amendment, would you have any objection
15 to us entering the responses to the personal data
16 questionnaire into the record of your sworn testimony
17 today?

18 JUDGE SNELGROVE: No, sir.

19 REPRESENTATIVE CLEMMONS: Thank you. Is
20 there any objection from the Commission?

21 (No response.)

22 REPRESENTATIVE CLEMMONS: Hearing none, it's
23 so ordered.

24 (EXHIBIT NO. 29 - Judicial Merit Selection
25 Commission Personal Data Questionnaire of The

1 Honorable Vicki J. Snelgrove dated July 28th,
2 2015)

3 (EXHIBIT NO. 30 - Judicial Merit Selection
4 Commission Personal Data Questionnaire Amendment
5 of The Honorable Vicki J. Snelgrove dated July
6 28th, 2015)

7 REPRESENTATIVE CLEMMONS: Judge, the
8 Judicial Merit Selection Commission has thoroughly
9 investigated your qualifications for continue -- for
10 continued service on the bench. That process has focused
11 on the nine statutory evaluative criteria. And the process
12 has resulted in no --

13 SENATOR MARTIN: Hang on a second. We've
14 got a technical difficulty.

15 (Off the record.)

16 REPRESENTATIVE CLEMMONS: If you would
17 please raise your right hand.

18 WHEREUPON:

19 THE HONORABLE VICKI J. SNELGROVE, being duly
20 sworn and cautioned to speak the truth, the whole truth and
21 nothing but the truth, testifies as follows:

22 REPRESENTATIVE CLEMMONS: With regard to the
23 responses you have just given to the Commission, are they
24 all correct?

25 JUDGE SNELGROVE: Yes, sir. I already

1 affirmed those earlier answers.

2 REPRESENTATIVE CLEMMONS: Thank you very
3 much. And I was just getting ready to say there have been
4 no affidavits filed in opposition to your election for --
5 or reelection to the bench, nor are there any witnesses
6 here present to testify today other than yourself.

7 At this point in the process, we ask you to
8 direct your attention to your screening attorney, and
9 respond to any questions she may have.

10 JUDGE SNELGROVE: Sure.

11 MS. ANDERSON: Good afternoon, Judge
12 Snelgrove.

13 JUDGE SNELGROVE: Good afternoon.

14 MS. ANDERSON: You have before you, the
15 sworn statement you provided, with detailed answers to over
16 thirty questions. Are there any amendments that you would
17 like to make at this time to your sworn statement?

18 JUDGE SNELGROVE: No, ma'am.

19 MS. ANDERSON: At this time, Mr. Chairman, I
20 would like to ask that Judge Snelgrove's sworn statement be
21 entered as an exhibit into the hearing record.

22 REPRESENTATIVE CLEMMONS: Is there any
23 objection?

24 (No response.)

25 REPRESENTATIVE CLEMMONS: Hearing none, so

1 ordered.

2 (EXHIBIT NO. 31 - Judicial Merit Selection
3 Commission Sworn Statement of The Honorable Vicki
4 J. Snelgrove dated July 28th, 2015)

5 EXAMINATION BY MS. ANDERSON:

6 **Q. Judge Snelgrove, after serving five years on the**
7 **family court, why do you want to continue serving as a**
8 **family court judge?**

9 A. I enjoy the work. I enjoy doing what I do. I
10 think I make a difference in what comes in front of me. I
11 think I bring -- I think I'm a very well prepared judge. I
12 work a file before I have a hearing, just as much as I did
13 when I was a lawyer. My preparation -- I enjoy preparing
14 for trial, and I enjoy preparing for a hearing. So I think
15 I could bring something to it, and it brings a whole lot to
16 me. I enjoy -- I like lawyers. I find family law
17 absolutely fascinating. And I tell people -- been telling
18 them for years -- family court lawyers have the best
19 stories in the whole world.

20 **Q. Judge Snelgrove, the Commission received 133**
21 **ballot box surveys regarding you, with 28 additional**
22 **comments. The ballot box survey, for example, contained**
23 **the following positive comments:**

24 **"Excellent jurist. Her rulings are consistent.**
25 **Bright. No-nonsense. Good judge. She is diligent, humble,**

1 **and extremely intelligent. Very fair and hardworking."**

2 **Only one of the written comments expressed a**
3 **concern regarding judicial temperament. What response**
4 **would you offer to this concern?**

5 A. Well, if the -- I believe in my earlier
6 conversation, it was that on one occasion I appeared to be
7 impatient and might have raised my voice. And that could
8 very well be possible. When -- I think one of our biggest
9 challenges is dealing with pro se litigants who don't
10 understand the rules and, "When I ask you for the fourth
11 time, 'Ma'am, right now just answer my question. And I'm
12 going to give you every opportunity to explain your answer.
13 I don't need to know what time it is. I don't need to know
14 where you got your watch. I don't need to know how Aunt
15 Mary bought it for you, and where else it came. Let's
16 start with the time and then we'll do explanations.'" "

17 "Well, I'll tell you one time..."

18 Inevitably, about the third or fourth time,
19 you're a little frustrated. And I may have raised my voice
20 a tad.

21 **Q. Thank you, Judge Snelgrove. I have a few**
22 **housekeeping issues.**

23 A. Yes, ma'am.

24 **Q. Have you sought or received a pledge of any**
25 **legislator prior to this date?**

1 A. No, ma'am.

2 Q. Have you sought or have you been offered a
3 conditional pledge of support of any legislator, pending
4 the outcome of your screening?

5 A. No, ma'am.

6 Q. Have you asked any third parties to contact
7 members of the General Assembly on your behalf?

8 A. No, ma'am.

9 Q. Are you aware of anyone attempting to intervene
10 in any part of this process on your behalf?

11 A. No, ma'am.

12 Q. Have you contacted any members of the Commission?

13 A. No, ma'am.

14 Q. Do you understand that you are prohibited from
15 seeking a pledge or a commitment until 48 hours after the
16 formal release of the Commission's report?

17 A. Yes, ma'am.

18 Q. Have you reviewed the Commission's guidelines on
19 pledging?

20 A. Yes, ma'am.

21 Q. And as a follow-up, are you aware of the
22 penalties for violating the pledging rules; that is, it is
23 a misdemeanor, and upon conviction the violator must be
24 fined not more than a thousand dollars or imprisoned not
25 more than 90 days?

1 A. Yes, ma'am.

2 MS. ANDERSON: I would note that the
3 Midlands Citizens Committee reported that Judge Snelgrove
4 is qualified as to constitutional qualifications, physical
5 health and mental stability, and well qualified as to
6 ethical fitness, professional and academic ability,
7 character, reputation, experience, and judicial
8 temperament.

9 The Committee stated in summary, "Judge
10 Snelgrove is very well qualified and is an outstanding
11 family court judge."

12 For the record, any concerns raised during
13 the investigation regarding Judge Snelgrove were
14 incorporated into today's questioning.

15 Mr. Chairman, I have no further questions.

16 SENATOR MARTIN: Thank you very much, Ms.
17 Anderson. Any comment or question from members of the
18 Commission?

19 (No response.)

20 SENATOR MARTIN: Hearing none, we thank you
21 very much, Judge Snelgrove, for being here today. This
22 concludes this portion of our screening process. You know
23 about the 48 rule -- which for the candidate really doesn't
24 apply all that much, but literally it does.

25 JUDGE SNELGROVE: Yes, sir.

1 SENATOR MARTIN: And we thank you for
2 offering, and for your continued service of the people of
3 South Carolina.

4 JUDGE SNELGROVE: Thank you. And thank you
5 of your service.

6 SENATOR MARTIN: Thank you, Judge.

7 (Candidate excused.)

8 SENATOR MARTIN: Judge, welcome.

9 JUDGE MCFADDIN: How are you, sir?

10 SENATOR MARTIN: I'm fine. Thank you for
11 being here today.

12 JUDGE MCFADDIN: Yes, sir.

13 SENATOR MARTIN: It's a pleasure to have you
14 before the judicial screening commission. Would you mind
15 raising your hand and taking the oath?

16 WHEREUPON:

17 THE HONORABLE GEORGE MARION MCFADDIN, JR.,
18 being duly sworn and cautioned to speak the truth, the
19 whole truth and nothing but the truth, testifies as
20 follows:

21 SENATOR MARTIN: You had the opportunity to
22 review your personal data questionnaire?

23 JUDGE MCFADDIN: Yes, sir, I do remember
24 them. Yes, sir.

25 SENATOR MARTIN: You do? Everything's in

1 order? No amendments necessary?

2 JUDGE MCFADDIN: I may be facing a lawsuit,
3 soon, due to an automobile accident I was in. I don't
4 think I will be, but he's threatening to do that. So I --
5 that would --

6 SENATOR MARTIN: Well, my sympathies on
7 that. Do you object as to making your PDQ part of the
8 record of your testimony?

9 JUDGE MCFADDIN: No, sir.

10 SENATOR MARTIN: All right. It will be done
11 at this point in the transcript.

12 (EXHIBIT NO. 32 - Judicial Merit Selection
13 Commission Personal Data Questionnaire of The
14 Honorable George Marion McFaddin, Jr. dated
15 August 7th, 2015)

16 SENATOR MARTIN: The Judicial Merit
17 Selection Commission has thoroughly investigated your
18 qualifications for continued service on the bench. Our
19 inquiry, of course, focuses on the nine evaluative
20 criteria, ballot box survey, a thorough study of your
21 application, verification and compliance with state ethics
22 laws, a search of newspaper articles in which your name
23 appears, a study of previous screenings, check for economic
24 conflicts of interest.

25 We've received no affidavits in opposition

1 to your reelection. No witnesses are present to testify.
2 Do you have a brief opening statement you'd like to make?
3 My predecessor always --

4 REPRESENTATIVE CLEMMONS: He's been skipping
5 that question.

6 SENATOR MARTIN: Yeah. Well, I'm filling in
7 for the Chairman today -- or at this point. But Former
8 Senator McConnell used to always say, "Brevity is clarity."

9 SENATOR MALLOY: Brevity is appreciated.

10 SENATOR MARTIN: Yeah. But if you would
11 kindly answer the -- Counsel's questions for us.

12 JUDGE MCFADDIN: Yes, sir.

13 SENATOR MARTIN: Thank you.

14 MR. PEARCE: Hello again, Judge.

15 JUDGE MCFADDIN: Hey, sir.

16 MR. PEARCE: You have before you the sworn
17 statement you provided, with detailed answers to over
18 thirty questions. Are there any amendments you would like
19 to make at this time to your sworn statement?

20 JUDGE MCFADDIN: The only one being to -- I
21 think lawsuits were mentioned in here, and there's a
22 possible lawsuit I might face. It was a head-on collision
23 with a driver who didn't have his headlights on one night.
24 No, sir. Nothing. No, sir.

25 MR. PEARCE: At this time, Mr. Chairman, I

1 would like to ask that Judge McFaddin's sworn statement be
2 entered as an exhibit into the hearing record.

3 SENATOR MARTIN: Without objection, it will
4 be so ordered.

5 (EXHIBIT NO. 33 - Judicial Merit Selection
6 Commission Sworn Statement of The Honorable
7 George Marion McFaddin, Jr. dated August 7th,
8 2015)

9 EXAMINATION BY MR. PEARCE:

10 **Q. Judge, after serving since 2002 as a family court**
11 **judge, why do you want to continue serving?**

12 A. Sir, I have endeavored to do some things which I
13 think are helpful to a lot of people. One of those being
14 the twice-a-year adoption day we hold in Sumter, to
15 expedite adoption hearings for placed children in DSS
16 foster care. We will soon, if I'm reelected, hit the 500
17 mark regarding adopted children. I take a lot of pride in
18 that. But I get a lot of credit to my staff -- our staff.
19 I don't know why I used the "I" as a pronoun. I want to
20 finish that. And I want to get better at what I do,
21 because I can be better than I am.

22 **Q. The Commission received 243 ballot box surveys**
23 **regarding you, with 23 additional comments. The ballot box**
24 **survey, for example, contained several positive comments**
25 **that have included:**

1 "The nicest jurist we have. Wonderful person and
2 judge. Excellent. Good temperament and patient. Good
3 teacher. Goes above and beyond to research issues. One of
4 the best." And another comment that said that we needed to
5 clone you.

6 In addition to those comments, there were some
7 concerns. Six of the 23 talked about the time you take to
8 make a decision, or to issue an order, and that taking a
9 long period of time -- months in some cases.

10 A. Yes, sir.

11 Q. Do you have any response to offer to this -- to
12 these concerns that were raised?

13 A. Sir, you've said good things about me, that I
14 wasn't aware of until you told me that. But I'll stand
15 here in all honestly and tell you that those, what I could
16 call complaints, to me personally obliterate and negate
17 anything good said about me.

18 I can do better. Perhaps I do take too much time
19 to do -- or to go above and beyond, regarding research.
20 Sometimes orders and rulings are very complicated. But,
21 sir, litigants and lawyers deserve results and not excuses.
22 And I will strive to do better. And if I'm back here in
23 six years, I promise this won't be voiced. That's not -- I
24 can do better, sir.

25 Q. You indicated in your PDQ, that a lawsuit was

1 filed against you in 2006 by a sovereign citizen member,
2 Larry A. Hill. Could you tell us briefly about the nature
3 of the lawsuit?

4 A. Yes, sir. It was a divorce action. He was
5 represented -- I'm sorry -- he was pro se. Judge Ruben
6 Gray -- or ex-Judge Ruben Gray represented his wife. It
7 was a 32-year marriage. I split the assets 50/50. She was
8 working at a real good job, so I didn't order alimony. The
9 case was not appealed. And then he sued me in state court,
10 which was moved to federal court, and essentially saying I
11 had violated his Constitutional rights; number one being, I
12 had jurisdiction over him because he was a sovereign
13 citizen; and, number two, she wasn't simply entitled to
14 anything. It was finally dismissed by Judge Perry.

15 Q. In addition to the questions we already asked,
16 Judge, I do have some housekeeping matters to review with
17 you at this time. Have you sought or received a pledge of
18 any legislator prior to this date?

19 A. No, sir.

20 Q. Have you sought or have you been offered a
21 conditional pledge of support of any legislator, pending
22 the outcome of your screening?

23 A. No, sir.

24 Q. Have you asked any third parties to contact
25 members of the General Assembly on your behalf?

1 A. No, sir.

2 Q. Are you aware of anyone attempting to intervene
3 in any part of this process on your behalf?

4 A. No, sir.

5 Q. Have you contacted any members of the Commission?

6 A. No, sir.

7 Q. Do you understand that you're prohibited from
8 seeking a pledge or commitment until 48 hours after the
9 formal release of the Commission's report?

10 A. Yes, sir.

11 Q. Have you reviewed the Commission's guidelines on
12 pledging?

13 A. Yes, sir.

14 Q. As a follow-up question, are you aware of the
15 penalties for violating the pledging rules; that is, it's a
16 misdemeanor, and upon conviction the violator must be fined
17 not more than a thousand dollars or imprisoned for not more
18 than 90 days?

19 A. Yes, sir.

20 MR. PEARCE: Mr. Chairman, I would like to
21 share that the Pee Dee Citizens Committee reported that
22 Judge McFaddin was qualified as to Constitutional
23 qualifications, physical health and mental stability. He
24 was found well qualified in all other categories. And the
25 Citizens Committee also added these comments in the report

1 that they sent to the Commission:

2 "High level of dedication and sincere love
3 of the people he served as a family court judge. We are
4 especially impressed with adoption days over which he
5 presides."

6 And I would just want to note for the record
7 at this time, Mr. Chairman, that any concerns raised during
8 the investigation process regarding Judge McFaddin were
9 incorporated into the questioning that I have done of the
10 candidate today.

11 I have no further questions at this time.

12 SENATOR MARTIN: Thank you very much. Any
13 questions of members of the Commission? Dean Wilcox?

14 MR. WILCOX: I think it's important for the
15 record to show, also, that Judge McFaddin has served for a
16 number of years on the South Carolina Judicial Conduct
17 Commission. I had the honor of serving on that with him.
18 And we were on the same panel together, many times before I
19 got onto this commission. And so I've had the chance to
20 see him having to decide matters from the inside, working
21 with him, and -- and he was always extraordinarily fair to
22 the judges who were complained of, but also appropriately
23 willing to stand up and discipline those who needed to be
24 disciplined. And I was always very impressed by his
25 leadership. 'Cause I believe you were Vice Chairman --

1 JUDGE MCFADDIN: Yes, sir.

2 MR. WILCOX: -- for a while of that
3 commission. And I just wanted that to be in the record
4 also.

5 JUDGE MCFADDIN: Thank you.

6 SENATOR MARTIN: Not at all surprised about
7 those comments from Dean Wilcox. I've known Judge McFaddin
8 from way back. Judge, I've shared with them, today, with
9 several of my former colleagues who have come through, but
10 you and I first met when you were a page for the South
11 Carolina House back in the day.

12 JUDGE MCFADDIN: You and I were both brand
13 new in 1979 or '8.

14 SENATOR MARTIN: Yeah.

15 JUDGE MCFADDIN: I think.

16 SENATOR MARTIN: Yeah. We were very brand
17 new.

18 JUDGE MCFADDIN: Yes, sir.

19 SENATOR MARTIN: Yeah. And it's awful good
20 to see you again.

21 JUDGE MCFADDIN: Yes, sir.

22 SENATOR MARTIN: It sure is. And you did a
23 great job here in era. Of course, that was a different
24 era; we didn't have the staff then, that we later came to
25 have -- or today have. So a page -- a chief page, I might

1 add, really stepped up and did a lot of things for us. So
2 we -- I remember that very well.

3 SENATOR MALLOY: Mr. Chairman?

4 SENATOR MARTIN: Yes, sir.

5 SENATOR MALLOY: I did cases in front of the
6 judge -- Judge McFaddin, and know -- and know him and the
7 things he's accomplished during the year. And I just want
8 to let the committee know. And I look forward to
9 supporting his -- his nomination.

10 SENATOR MARTIN: Great. Any other comments
11 or questions?

12 (No response.)

13 SENATOR MARTIN: Well, hearing none, Judge
14 McFaddin we appreciate so much your service. This
15 concludes this portion of the screening process. As you
16 know, the record will be kept open until the report's
17 published. You could be called back --

18 JUDGE MCFADDIN: Yes, sir.

19 SENATOR MARTIN: -- that most likely won't
20 occur. I hope that suit doesn't materialize, you were
21 talking about. But we thank you for your service and for
22 your longtime dedication to the people of South Carolina.
23 And best wishes for much continued success.

24 JUDGE MCFADDIN: I thank all of you for
25 taking the time to see me today. I am bothered by the

1 negative comments, and I will own my own mistakes and I
2 will do better.

3 SENATOR MARTIN: Well, you don't worry about
4 that. You do fine. Thank you so much.

5 JUDGE MCFADDIN: Thank you all.

6 (Candidate excused.)

7 SENATOR MARTIN: Judge Cely Anne Brigman?

8 JUDGE BRIGMAN: Yes, sir.

9 SENATOR MARTIN: Welcome.

10 JUDGE BRIGMAN: Thank you.

11 SENATOR MARTIN: Delighted to have you.

12 Would you kindly raise your hand and take the oath.

13 WHEREUPON:

14 THE HONORABLE CELY ANNE BRIGMAN, being duly
15 sworn and cautioned to speak the truth, the whole truth and
16 nothing but the truth, testifies as follows:

17 SENATOR MARTIN: You've had a opportunity to
18 review your personal data questionnaire?

19 JUDGE BRIGMAN: I have.

20 SENATOR MARTIN: Everything's accurate? No
21 amendments needed?

22 JUDGE BRIGMAN: No, everything's accurate.

23 SENATOR MARTIN: Would you object to our
24 making this summary, and any amendments, if applicable,
25 part of the record for your sworn testimony?

1 JUDGE BRIGMAN: No objection.

2 SENATOR MARTIN: It will be done at this
3 point in the transcript.

4 (EXHIBIT NO. 34 - Judicial Merit Selection
5 Commission Personal Data Questionnaire of The
6 Honorable Cely Anne Brigman dated August 11th,
7 2015)

8 SENATOR MARTIN: We have focused, of course,
9 on nine evaluative criteria -- you know what they are. For
10 the record, a ballot box survey, a thorough study of your
11 application matters, verification of compliance with state
12 ethics laws, a search of newspaper article in which your
13 name appears, a study of previous screenings, check for
14 economic conflict of interest.

15 We have no affidavits filed in opposition to
16 your election. No witnesses are here to testify. Do you
17 have a brief opening statement?

18 JUDGE BRIGMAN: Just briefly, I would just
19 tell this committee that I have never enjoyed doing
20 anything as much as I do serving on the family court. And
21 I really appreciate the opportunity that you have given me
22 to do this.

23 SENATOR MARTIN: Thank you very much. Would
24 you kindly answer the -- Counsel's questions for the
25 Commission.

1 MS. SIMPSON: Good afternoon, Judge Brigman.
2 You have been before -- you have before you the sworn
3 statement you provided, with the detailed answers to over
4 thirty questions. Are there any amendments you would like
5 to make at this time to your sworn statement?

6 JUDGE BRIGMAN: No.

7 MS. SIMPSON: At this time, Mr. Chairman, I
8 would like to ask that Judge Brigman's sworn statement be
9 entered as an exhibit into the hearing record.

10 SENATOR MARTIN: Yeah, it would be ordered
11 at this -- it will be ordered at this point in the
12 transcript.

13 (EXHIBIT NO. 35 - Judicial Merit Selection
14 Commission Sworn Statement of The Honorable Cely
15 Anne Brigman dated August 5th, 2015)

16 EXAMINATION BY MS. SIMPSON:

17 **Q. Judge Brigman, after serving for about six months**
18 **on the family court bench, why do you want to continue**
19 **servng as a family court judge?**

20 A. I love it. I mean, every day is something
21 different. You get to meet the kindest, nicest people in
22 the not-so-best of circumstances, a lot of them. But it's
23 just really given me an opportunity to use my education and
24 my training in what I -- in developing, I hope, to be a
25 very beneficial way.

1 Q. Thank you, Judge Brigman. The Commission
2 received 162 ballot box surveys regarding you, with nine
3 additional comments. The ballot box survey, for example,
4 contained the following positive comments:

5 "An asset to the bench. New but promising judge.
6 Recently elected and already making her mark. A very good
7 family court judge."

8 One of the written comments expressed a concern.
9 The comment indicated that you do not have enough
10 meaningful experience. What response would you offer to
11 this concern?

12 A. You and I talked about that when we met. I've
13 practiced law almost 30 years. I have been in family
14 court, exclusively, for the last ten. I've been ten years
15 a magistrate. I don't know how much more experience I
16 could have. Now, there are -- the one area that I'm in
17 family court that I do -- I'm still in a kind of a learning
18 curve is the DJJ, the criminal -- the juvenile criminal.
19 So that would be the area that I have the least experience.
20 But I feel like I have experience. I don't -- I mean, I
21 just -- I would just have to disagree with that comment.

22 Q. Thank you, Judge Brigman. I just have a few
23 housekeeping issues. Have you sought or received a pledge
24 of any legislator before -- prior to this date?

25 A. No.

1 Q. Have you sought or have you been offered a
2 conditional pledge of support of any legislator, pending
3 the outcome of your screening?

4 A. No.

5 Q. Have you asked any third parties to contact
6 members of the General Assembly on your behalf?

7 A. No.

8 Q. Are you aware of anyone attempting to intervene
9 in any part of this process on your behalf?

10 A. No.

11 Q. Have you contacted any members of the Commission?

12 A. No.

13 Q. Do you understand that you are prohibited from
14 seeking a pledge or a commitment until 48 hours after the
15 formal release of the Commission's report?

16 A. I understand that, yes.

17 Q. Have you reviewed the Commission's guidelines on
18 pledging?

19 A. Yes.

20 Q. As a follow-up, are you aware of the penalties
21 for violating the pledging rules; that is, it is a
22 misdemeanor, and upon conviction the violator must be fined
23 not more than one thousand dollars or imprisoned not more
24 than 90 days?

25 A. I'm aware of that, yes.

1 MS. SIMPSON: I would like to note that the
2 Pee Dee Citizens Committee reported that Judge Brigman is
3 qualified as to Constitutional qualifications, physical
4 health, and mental stability, and well qualified as to
5 ethical fitness, professional and academic ability,
6 character, reputation, experience, and judicial
7 temperament.

8 In summary, the Committee stated that they
9 were excited to see Judge Brigman in her new capacity as a
10 family court judge. She has been a favorite of this
11 committee for some time, which corresponds with the
12 feedback we have received from the Bar and community, of
13 her qualifications and her temperament.

14 I would like to note that the record -- I
15 would like to note for the record that any concerns raised
16 during this investigation regarding the candidate were
17 incorporated into the questioning of the candidate today.

18 Mr. Chairman, I have no further questions.

19 SENATOR MARTIN: Thank you very much. Any
20 question or comment by the member -- by members of the
21 Commission? Any question or comment by members of the
22 Commission?

23 SENATOR MALLOY: Just as a -- Mr. Chair?

24 SENATOR MARTIN: Yes.

25 SENATOR MALLOY: Just as a comment as a -- I

1 think it was the same Commission, beforehand, I am --
2 nominated Judge Brigman to the magistrate's court bench, I
3 guess, back in 2003. Is that about right?

4 JUDGE BRIGMAN: About right.

5 SENATOR MALLOY: And we've done cases
6 together, beforehand. She practiced law in Darlington
7 County. I'm very familiar with her family, her father, all
8 the way down. And she's done a wonderful job, particularly
9 getting my magistrate's office straightened out when their
10 -- in difficult times. And I'm glad to have her on the
11 bench.

12 JUDGE BRIGMAN: I'm glad to be here. Thank
13 you.

14 SENATOR MALLOY: She is glad to be here.
15 She really means it.

16 SENATOR MARTIN: I saw, Judge, the issue
17 about your colon cancer. Is everything going well?

18 JUDGE BRIGMAN: Oh, I'm five years out.

19 SENATOR MARTIN: Oh, great.

20 JUDGE BRIGMAN: So, yeah.

21 SENATOR MARTIN: But I've got to tell you, I
22 could -- I could see from a personal experience -- and I
23 want this on the record. I can see from a personal
24 experience, how bills can -- with all the -- just doing a
25 colonoscopy. And I had a screening done, but it was a

1 five-year screening, it wasn't the three deal. And bills
2 just kept coming, and they were massive. I mean, I
3 couldn't believe what it -- what it costs to have that
4 done. And --

5 JUDGE BRIGMAN: I was in the hospital about
6 ten days. And so it --

7 SENATOR MARTIN: Yeah, I can't imagine
8 having a -- you know, that type of experience. And all the
9 massive number of bills you would have gotten on that. So
10 my sympathies on that -- on that point. But I'm so glad
11 you're doing better. I just can't -- that's a -- that's
12 scary stuff when it happens to you.

13 JUDGE BRIGMAN: Well, I thank you. And I'm
14 doing great.

15 SENATOR MARTIN: Good. Good. Any other
16 question or comments?

17 MS. BELL: Hi, Judge Brigman.

18 JUDGE BRIGMAN: Hi.

19 MS. BELL: Just for the -- the benefit of
20 the record and completeness. Judge Brigman was my
21 husband's boss for about three or four years before he
22 opened his own law practice; he was a Darlington County
23 magistrate.

24 JUDGE BRIGMAN: Reported by the Senator?

25 MS. BELL: Yes, reported by the Senator.

1 And I know he thoroughly enjoyed working with you, and sees
2 you as an example of how he wants to have his practice.
3 And I am so glad that you're serving on the family court.
4 And --

5 JUDGE BRIGMAN: Thank you.

6 MS. BELL: -- I thank you for your service.

7 JUDGE BRIGMAN: Thank you. Senator Martin,
8 I'm heading your way the week after Thanksgiving. I'm
9 going to be in Pickens County for a week.

10 SENATOR MARTIN: Are you?

11 JUDGE BRIGMAN: I am.

12 SENATOR MARTIN: Great. Well, we'll just be
13 delighted to have you there.

14 JUDGE BRIGMAN: I can't wait.

15 SENATOR MARTIN: If there's anything I can
16 do for you while you're there, you don't hesitate to call.

17 JUDGE BRIGMAN: I sure will. Thank you.

18 (Off-the-record discussion.)

19 SENATOR MARTIN: Thank you so much.

20 JUDGE BRIGMAN: Thank you all for having me.

21 SENATOR MARTIN: And as you know, this will
22 -- this completes this part of the process. You could be
23 called back -- that is mostly likely not the case -- as
24 long as the report is unpublished. We just want to thank
25 you for your willingness to serve, and for your dedication.

1 And, particularly, coming to Pickens, we'll be delighted to
2 have you there.

3 JUDGE BRIGMAN: I'm looking forward to it.

4 SENATOR MARTIN: Great.

5 JUDGE BRIGMAN: Thank you.

6 SENATOR MARTIN: Great.

7 JUDGE BRIGMAN: Y'all take care. Have a
8 good Thanksgiving.

9 (Candidate excused.)

10 SENATOR MARTIN: Gwendlyne Young Jones,
11 welcome.

12 JUDGE JONES: Thank you.

13 SENATOR MARTIN: Delighted to have you with
14 us. Would you please raise your hand and take the oath.

15 WHEREUPON:

16 THE HONORABLE GWENDLYNE YOUNG JONES, being
17 duly sworn and cautioned to speak the truth, the whole
18 truth and nothing but the truth, testifies as follows:

19 SENATOR MARTIN: And I understand it's your
20 birthday today.

21 JUDGE JONES: It is.

22 SENATOR MARTIN: Happy birthday.

23 (Off-the-record discussion.)

24 SENATOR MARTIN: Have you had the
25 opportunity to review your personal data questionnaire?

1 JUDGE JONES: I'm sorry?

2 SENATOR MARTIN: Have you had the
3 opportunity to review --

4 JUDGE JONES: I have.

5 SENATOR MARTIN: -- your personal --
6 everything in order? No amendments necessary?

7 JUDGE JONES: No changes.

8 SENATOR MARTIN: Okay. Do you object at
9 this point to us making that part of the permanent record?

10 JUDGE JONES: I do not.

11 SENATOR MARTIN: Okay. It will be done at
12 this point in the transcript.

13 (EXHIBIT NO. 36 - Judicial Merit Selection
14 Commission Personal Data Questionnaire of The
15 Honorable Gwendlyne Young Jones dated July 31st,
16 2015)

17 (Off-the-record discussion.)

18 SENATOR MARTIN: We've got no affidavits
19 filed in opposition to your election. Nobody's here to
20 testify. Do you have a brief statement you'd like to make?

21 JUDGE JONES: Sure. I appreciate the
22 opportunity to address you. It feels as if my job just
23 started yesterday. Five years have gone by quite quickly.
24 And I deem it an honor and privilege to actually get to
25 serve the citizens of the State of South Carolina. Every

1 morning I wake up with a job in my heart, knowing that I
2 have such a profound effect on the decisions that I make.
3 And for that, I'm quite grateful. And I would appreciate
4 the opportunity to continue to serve in that capacity.

5 SENATOR MARTIN: All right. Would you
6 please answer the questions of our able counsel, Ms.
7 Benson.

8 MS. BENSON: Thank you, Mr. Chairman. Judge
9 Jones, you have before you the sworn statement you
10 provided, with detailed answers to over thirty questions.
11 Do you have anything to add to that at this time?

12 JUDGE JONES: I do not.

13 MS. BENSON: Mr. Chairman, I would ask that
14 this be added to the exhibit, and included on the hearing
15 record.

16 SENATOR MARTIN: Without objection, it will
17 be so ordered.

18 (EXHIBIT NO. 37 - Judicial Merit Selection
19 Commission Sworn Statement of The Honorable
20 Gwendlyne Young Jones dated July 31st, 2015)

21 EXAMINATION BY MS. BENSON:

22 **Q. Judge Jones, would you please state for the**
23 **record, the city and the circuit in which you reside.**

24 A. Richland County.

25 **Q. In Columbia?**

1 A. Columbia, South Carolina, 5th Circuit.

2 **Q. Thank you, Judge. Judge, after serving for five**
3 **years, why do you want to continue serving as a family**
4 **court judge?**

5 A. Well, I guess, primarily, it's because it feels
6 like my job is incomplete. During the five-year time
7 period, I feel like I've learned and I've grown. And each
8 day is different. And because of that, I feel like I
9 continue to take those learning experiences with me into
10 court, to continue to impact a lot to the citizens and the
11 families, that we actually have such a great effect on the
12 State of South Carolina.

13 **Q. Judge, the Commission received 213 ballot box**
14 **surveys regarding you, with 13 having additional comments.**
15 **And there were many positive comments, including that --**
16 **one of the commenters saying, even though that you'd ruled**
17 **against -- against them, they felt like that you had been**
18 **fair, and listened. And that you have an excellent**
19 **temperament, are smart, and control the courtroom well.**

20 There was one negative concern expressed; and
21 that is, that you are unable to make tough decisions and
22 rely too much upon the Department of Social Services'
23 recommendations. I wonder if you would respond to that
24 concern.

25 A. Sure. Actually, I find that to be quite shocking

1 in that if I took a survey, more likely than not, I
2 probably ruled against the Department of Social Services
3 more often than I do the other litigants. When I took that
4 oath in 2010, I vowed to make sure that I actually rendered
5 my decisions in a fair and impartial manner. I can only
6 take that comment to mean, perhaps, I did not rule in that
7 person's favor.

8 However, in taking the oath, I vowed to make sure
9 that I have no enemies to punish, and no friends to reward.
10 I take the cases they have given to me, and I apply the law
11 as it is in making a fair decision.

12 **Q. Judge, in your PDQ, you had mentioned four**
13 **matters where you had been involved in litigation.**

14 MS. BENSON: Mr. Chairman, all of these have
15 been dealt with in previous screenings, so I will not go
16 back over these at this time.

17 SENATOR MARTIN: Thank you.

18 EXAMINATION RESUMED BY MS. BENSON:

19 **Q. Judge Jones, there are a few housekeeping issues,**
20 **please. Have you sought or received the pledge of any**
21 **legislator prior to this date?**

22 A. I have not.

23 **Q. Have you sought or have you been offered a**
24 **conditional pledge of support of any legislator prior --**
25 **pending the outcome of your screening?**

1 A. I have not.

2 **Q. Have you asked any third parties to contact**
3 **members of the General Assembly on your behalf?**

4 A. I have not.

5 **Q. Are you aware of anyone attempting to intervene**
6 **in any part of this process on your behalf?**

7 A. No.

8 **Q. Have you contacted any members of this**
9 **Commission?**

10 A. I have not.

11 **Q. Do you understand the 48-hour rule?**

12 A. Absolutely.

13 **Q. Have you reviewed the Commission's guidelines?**

14 A. I have.

15 **Q. And are you also aware of the penalties for**
16 **violation of the rule, which would be one -- up to a one**
17 **thousand dollar fine and imprisonment for not more than 90**
18 **days?**

19 A. Yes, ma'am.

20 MS. BENSON: I would note that the Midlands
21 Citizens Committee found Judge Jones well qualified in the
22 evaluative criteria of ethical fitness, professional and
23 academic ability, character, reputation, experience, and
24 judicial temperament. Judge Jones was found qualified in
25 the evaluative criteria of Constitutional qualifications,

1 physical health, and mental stability.

2 In related comments, the Commission -- the
3 Committee stated, "Judge Jones strikes us as a good, young
4 judge who is growing with the job. She now has experience
5 as a family court judge to go along with her fine judicial
6 temperament. There is some concern about her work ethic."

7 In summary, the Committee stated, "Judge
8 Jones has the respect of the family court for trying hard
9 and improving constantly."

10 EXAMINATION RESUMED BY MS. BENSON:

11 **Q. Judge Jones, would you have any further comments**
12 **about this -- the expression made?**

13 A. Actually, the concerns about my work ethic kind
14 of leaves me dumbfounded. When I think of "work ethic," I
15 think of an individual with a poor work ethic, they're
16 lazy, they do not arrive to work on time, or they try to
17 leave early, or they're derelict in their responsibilities.
18 I firmly believe I'm quite the opposite. Not only do I
19 work -- I'm at work on time, oftentimes if parties enter
20 into an agreement, they call my office because they know
21 I'm one of the judges that, regardless of whether or not
22 there's any time available to the scheduling, they entered
23 into an agreement, I'm more than happy to work them into my
24 schedule, such that they could put that agreement on the
25 record before it --

1 I respect the -- the anonymous ability for
2 persons to make their comments. But without further
3 information, that would be my only response to that
4 question.

5 **Q. Thank you. Thank you, Judge.**

6 MS. BENSON: I would just note for the
7 record, that any concerns raised during the investigation
8 regarding this candidate, were incorporated into the
9 questioning of the candidate today.

10 And, Mr. Chairman, I have no further
11 questions.

12 SENATOR MARTIN: Thank you very much, Ms.
13 Benson. Any comment or question by members of the
14 Commission?

15 REPRESENTATIVE BANNISTER: I do have a real
16 quick one. I have had the pleasure of appearing in front
17 of Judge Jones. We had a very contentious issue. My
18 client wanted something he wasn't entitled to, the other
19 lady wanted something she wasn't entitled to. The one
20 thing that I kind of feel like a good judge does is figure
21 out how to make both people not be prejudiced while the
22 case was pending. But she did. And it wasn't something
23 that either lawyer asked for, but it turned out to be a
24 very good order, because everybody left and said, "Well,
25 that's probably the best that could have possibly

1 happened," at a contested family court temporary hearing,
2 where everybody was fussing about something that they
3 weren't entitled to.

4 So for what that's worth, I have some
5 personal experience. And Judge Jones has done a -- you
6 were there working, and you were on time. So that's better
7 than most of the folks coming to Greenville and hitting our
8 15-minute docket. Thank you, Judge.

9 SENATOR MARTIN: The senator from
10 Darlington.

11 SENATOR MALLOY: Mr. Chairman and members of
12 the Commission, I've never appeared before Judge Jones, but
13 I've known her for 35 years. And she was a youngster --

14 (Off-the-record discussion.)

15 SENATOR MALLOY: -- she was a young person -
16 - a younger person over at USC. And I would -- I would say
17 that she does have a good work ethic. And she's been a
18 great part of her children's lives -- Taylor and Justice, I
19 think it was. And she's worked hard -- worked hard in law
20 school, Dean, to -- under difficult circumstances back in
21 those days. And she is a -- stayed on the bench. And I --
22 I travel in these circles a lot, and if there were problems
23 going on in the Richland County courthouse, I would know
24 about them. And I've never heard a negative thing about
25 Gwen -- about Judge Jones.

1 SENATOR MARTIN: All right. Thank you very
2 much. Well, Judge Jones, we want to thank you very much
3 for your service. This concludes this portion of our
4 screening process.

5 As you know, the report will remain open
6 until it's published. So we could call you back, although,
7 I don't think that will occur. We just want to thank you
8 for your willingness to serve, and for your dedication to
9 the people of South Carolina.

10 JUDGE JONES: Thank you.

11 SENATOR MARTIN: Thank you. And, again,
12 happy birthday.

13 JUDGE JONES: Thank you.

14 (Candidate excused.)

15 SENATOR MARTIN: Welcome, judge.

16 JUDGE BRIDGES: Hello.

17 SENATOR MARTIN: Good to have you with us.

18 JUDGE BRIDGES: Thank you.

19 SENATOR MARTIN: Would you mind taking the
20 oath, and raise your hand and repeat.

21 WHEREUPON:

22 THE HONORABLE USHA J. BRIDGES, being duly
23 sworn and cautioned to speak the truth, the whole truth and
24 nothing but the truth, testifies as follows:

25 SENATOR MARTIN: Have you had the

1 opportunity to review your personal data questionnaire?

2 JUDGE BRIDGES: Yes, sir.

3 SENATOR MARTIN: Everything okay? You need
4 to make any changes or anything?

5 JUDGE BRIDGES: No, sir.

6 SENATOR MARTIN: Do you have any objection
7 to us making it part of your current record of this
8 proceeding?

9 JUDGE BRIDGES: I have none.

10 SENATOR MARTIN: All right. It will be done
11 at this point in the transcript.

12 (EXHIBIT NO. 38 -- Judicial Merit Selection
13 Commission Personal Data Questionnaire of The
14 Honorable Usha J. Bridges dated August 3rd, 1015)

15 SENATOR MARTIN: Of course, you know we've
16 focused on the nine evaluative criteria that you're
17 familiar with regarding your qualifications. We've
18 received no affidavits filed in opposition to your
19 election. No witnesses are here to testify.

20 Do you have a brief opening comment you'd
21 like to make?

22 JUDGE BRIDGES: I do not.

23 SENATOR MARTIN: Okay. Would you please
24 answer Counsel Gentry's questions for us.

25 MR. GENTRY: Judge Bridges, you have before

1 you a sworn statement you provided to the Commission. Are
2 there any amendments you'd like to make to your sworn
3 statement?

4 JUDGE BRIDGES: No, not at this time.

5 MR. GENTRY: Mr. Chairman, I'd ask that
6 Judge Bridges' sworn statement be entered as an exhibit
7 into the hearing record.

8 SENATOR MARTIN: Without objection, it will
9 be so done.

10 (EXHIBIT NO. 39 - Judicial Merit Selection
11 Commission Sworn Statement of The Honorable Usha
12 J. Bridges dated August 3rd, 2015)

13 EXAMINATION BY MR. GENTRY:

14 **Q. Judge Bridges, after serving five years in the**
15 **family court, why do you want to continue serving as a**
16 **judge?**

17 A. I enjoy my job. I feel that in this capacity,
18 I'm able to make an impact on others. And this is
19 something -- this was a goal that I set for myself many
20 years ago. It's fulfilling a vision that I had by doing
21 this.

22 **Q. The Commission received 172 ballot box surveys**
23 **regarding you, with 13 additional comments. The ballot box**
24 **survey, for example, contained the following positive**
25 **comments:**

1 **"Judge Bridges does a great job. Is courteous**
2 **and upholds the ideals we expect of our judges."**

3 **Seven of the written comments expressed concerns.**
4 **Some of the comments indicated concerns with your demeanor**
5 **and temperament. What response would you offer to these**
6 **concerns?**

7 A. As far as my demeanor and temperament, not being
8 becoming of a judge? Or --

9 **Q. That's correct, Judge. They had --**

10 A. And I have a strict --

11 **Q. -- concerns about --**

12 A. -- or do I run a tight ship? Then I would have
13 to say that's true, if that's what they're referring to. I
14 feel that if docketed for two o'clock, recognizing that
15 sometimes things happen, if you set it for 15 minutes, I
16 feel that if you come into court, you should be prepared to
17 do your 15 minutes and be courteous of the person that's
18 coming behind you. So I know that sometimes people get
19 aggravated because they'll ask for 15 minutes, and that
20 shouldn't mean 30 or 45 minutes. And sometimes I'll
21 accommodate them, depending on what's going on. But most
22 of the time I try to keep the docket moving, because the
23 family court is docket-driven.

24 **Q. Have you ever said anything derogatory or**
25 **demeaning towards anyone in the courtroom?**

1 A. No. That's not me.

2 **Q. Some of the comments also indicated concerns with**
3 **bias and favoritism towards certain attorney and clients.**
4 **What response would you offer to those concerns?**

5 A. Well, people are entitled to their opinion. But
6 I just really don't think that, that's something that I buy
7 into. I make it my job to treat everybody equally, and to
8 make my rulings based on what's presented before me, not
9 who's before me.

10 So I just -- I just kind of find that kind of odd
11 that people -- you know, have their own beliefs. If you
12 rule against them, there has to be a reason. And the
13 reason is probably not that they were not in the position,
14 or didn't have the facts to support their arguments. But,
15 you know, that's part of our job.

16 **Q. You indicated in your PDQ that since your last**
17 **screening, a lawsuit was filed against you in 2011 by**
18 **Russell D. Moore. Can you explain the nature and**
19 **disposition of that lawsuit?**

20 A. Russell Moore -- I have never met Russell Moore.
21 But Russell Moore is in prison here in the South Carolina
22 Department of Corrections, doing a 40-year sentence for ten
23 to 15 armed robberies. Earlier on, I worked in the Public
24 Defender's office, I was a juvenile court defender.
25 Sometimes I would get appointed to represent some of the

1 people in General Sessions.

2 In 2010, Russell Moore sent to the Clerk of Court
3 Brandy McBee, in Cherokee County, to get a copy of his
4 file. In his file was a sheet from clerk of court at that
5 time, wherein I had been appointed to represent him on one
6 of his armed robbery charges. Of course, I never met him;
7 he never met me. The chief public defender represented him
8 on all of his cases. He did a plea -- I'm not sure which
9 ones were dismissed. Some were dismissed. And he got like
10 a 40-year sentence.

11 Well, Russell Moore thought that because there
12 was a -- he had paid \$25 to the Clerk of Court in Cherokee
13 County for me to represent him, I was appointed to
14 represent him -- that I had breached a contract with him.
15 He felt that, that created a contract. He also had the
16 opportunity to see a copy of the Gaffney Ledger, which is
17 our local newspaper. And I think -- I'm not sure if
18 everybody even knows, but some of you know that shortly
19 after being appointed a judge, I won the Power Ball for a
20 million dollars. So it was on the front pages of the
21 newspaper.

22 So Russell Moore saw this as an opportunity to
23 get some monies. So he sued me for two hundred and fifty
24 thousand something-something and twenty-five dollars -- and
25 I mean, that was the nature of the lawsuit. And we had to

1 -- I had to have someone defend me against him. And it was
2 -- he lost. Fortunately, he lost. I no longer have to
3 deal with Russell Moore.

4 **Q. You also indicated in your PDQ, a lawsuit was**
5 **filed against you in 2012 -- 2012 by Jeff -- and I'm going**
6 **to spell it, B-u-i-c-e. Please explain the nature and**
7 **disposition of that lawsuit.**

8 A. Well, now, that wasn't a lawsuit by Jeff Buice.
9 Jeff Buice is a local realtor in Gaffney. And the -- many
10 of the lawsuits that had my name on them were -- were
11 foreclosure actions, wherein the defendants -- I had
12 judgements against the defendants that owed me monies. So
13 foreclosure actions came, I was named as a defendant
14 because I had a judgement. But that's -- that's on there.
15 Jeff didn't sue me. I don't know how the lawsuit is
16 titled, but Jeff was probably the realtor that was involved
17 in that case.

18 **Q. In this -- and you indicated in your PDQ, that**
19 **since the last screening, a complaint was filed against you**
20 **in 2011 by Joey Howard. A complaint was also filed in 2015**
21 **by a Johnnie Lynn Mather, and then in 2015 by Mrs. Jackson.**
22 **Do you recall those three filings of complaints --**

23 A. I do.

24 **Q. -- and the dispositions?**

25 A. I do. They were all unfounded. And needless to

1 say, those were -- except for Ms. Mathers, they were people
2 that didn't win their cases in court.

3 Mr. Howard's dealt with a contempt action -- I
4 held him in contempt. I didn't put him in jail. But it
5 was a visitation contempt action, wherein he was not
6 allowing the wife to visit the child, because she decided
7 she was going to date a person of the opposite race. And I
8 pointed out to Mr. Howard, that if you teach the children
9 to judge people by the color of the skin as opposed to
10 their character, then you're doing a disservice to the
11 children.

12 So Mr. Howard didn't like that. And so he filed
13 a grievance on me, and said that I called him a -- that I
14 called him a racist, and that I was the biggest racist on
15 the bench. Well, thank the Lord we have the court
16 reporters that record everything that's going on in there.
17 And that wasn't true. That wasn't founded.

18 Ms. Mathers filed the grievance. It was a child
19 support case, where she came into court and she did not
20 want the father to have to go to jail, so she wanted to --
21 him of the child support so he wouldn't go to jail. Rather
22 than me dismissing the child support, I set him on a
23 payment plan and told him he was going to pay the child
24 support. Well, he didn't pay the child support. And Ms.
25 Mathers became angry and filed a grievance and said I let

1 that deadbeat down.

2 But when the court -- the transcript came, it
3 shows that she was the one that wanted him to be off --
4 and I was the one that insisted that the child support
5 belonged to the child, and wouldn't let him off.

6 And then the -- what was the last one?

7 **Q. It was Ms. Jackson.**

8 A. Ms. Jackson. Yeah. Ms. Jackson -- that was also
9 a contempt case. And it was a situation where Ms. Jackson
10 wouldn't allow the son to go to the father's wedding. She
11 got the police involved. She was very upset. And he filed
12 a -- he filed a rule against her. And because he filed a
13 rule against her, two weeks later she filed a rule against
14 him. And I told her she was being spiteful and vindictive.
15 And she didn't like that. So she filed a grievance. But,
16 of course, her grievances were unfounded.

17 MR. GENTRY: Mr. Chairman, I would like to
18 request the Commission go into executive session.

19 SENATOR MARTIN: Any objection?

20 (No response.)

21 SENATOR MARTIN: So ordered. We'll proceed
22 to executive session.

23 (Off-the-record executive session.)

24 SENATOR MARTIN: Any housekeeping?

25 EXAMINATION RESUMED BY MR. GENTRY:

1 Q. Judge Bridges, have you sought or received a
2 pledge of any legislator prior to this date?

3 A. No.

4 Q. Have you sought or have you been offered a
5 conditional pledge of support of any legislator, pending
6 the outcome of your screening?

7 A. No.

8 Q. Have you asked any third party to contact members
9 of the General Assembly on your behalf?

10 A. No.

11 Q. Are you aware of anyone attempting to intervene
12 in any part of the process on your behalf?

13 A. No.

14 Q. Have you contacted any members of this
15 Commission?

16 A. No.

17 Q. Do you understand that you're prohibited from
18 seeking a pledge or a commitment until 48 hours after the
19 formal release of the Commission's report?

20 A. Yes.

21 Q. Have you reviewed the Commission's guidelines on
22 pledging?

23 A. Yes.

24 Q. Are you aware of the penalties for violating the
25 pledging rules; that is, it's a misdemeanor, and upon

1 **conviction the violator must be fined not more than a**
2 **thousand dollars or imprisoned not more than 90 days?**

3 A. Yes.

4 MR. GENTRY: I would note that the Upstate
5 Citizens Committee reported that Judge Bridges is well
6 qualified as to ethical fitness, professional and academic
7 ability, character, reputation, experience, and judicial
8 temperament, and qualified as to Constitutional
9 qualifications, physical health and mental stability.

10 I'd also note for the record, that any
11 concern raised during the investigation regarding the
12 candidate were incorporated into my questioning today.

13 Mr. Chairman, I have no further questions.

14 SENATOR MARTIN: Any further questions by
15 members of the Commission?

16 (No response.)

17 SENATOR MARTIN: Hearing none --

18 REPRESENTATIVE CLEMMONS: I have a question.

19 SENATOR MARTIN: Yes, Mr. Chairman.

20 REPRESENTATIVE CLEMMONS: Thank you.

21 EXAMINATION BY REPRESENTATIVE CLEMMONS:

22 **Q. Judge, do you have any specific court rules that**
23 **attorneys are required to comply with before they appear**
24 **before you in the matter?**

25 A. Specifically my rule? Or do I make sure they

1 comply with the rules that the state --

2 Q. No, no. Do you have any rules that you
3 promulgate yourself?

4 A. No, I don't.

5 Q. That, of course, would be improper.

6 A. Right.

7 REPRESENTATIVE CLEMMONS: Thank you very
8 much.

9 SENATOR MARTIN: Representative Bannister.

10 REPRESENTATIVE BANNISTER: I have appeared
11 in front of Judge Bridges on bunch of different occasions,
12 where we've all been ready to try the cases or have
13 hearings, and have court reporters, and we've had some
14 entertaining conversations. Some of them included Doug
15 Brannon.

16 Anyway, but I -- the times that I've been in
17 front of Judge Bridges, she's always working very
18 diligently to move cases. And I appreciate your work and
19 all the stuff that you're doing in Spartanburg and all over
20 the state. I appreciate your service on the bench.

21 JUDGE BRIDGES: Thank you.

22 REPRESENTATIVE BANNISTER: Thank you, Judge.

23 JUDGE BRIDGES: Thank you.

24 SENATOR MARTIN: Well, Judge Bridges, thank
25 you so much. This will conclude this portion of the

1 screening process. As you know, the record may -- will
2 remain open until the record is published. And you could
3 be called back, but I doubt, very seriously, if that will
4 happen.

5 We want to thank you for your willingness to
6 continuing serving the people of South Carolina. And we
7 wish you the very best. But most especially good health.

8 JUDGE BRIDGES: Thank you so very much.

9 (Candidate excused.)

10 REPRESENTATIVE CLEMMONS: We have before us
11 The Honorable Dorothy Mobley Jones, a judge of Family
12 Court, 5th Judicial Circuit, Seat 1. Judge Jones, it's
13 great to have you with us today. Thank you for joining us.

14 JUDGE JONES: Thank you.

15 REPRESENTATIVE CLEMMONS: If you'll please
16 raise your right hand and be sworn.

17 WHEREUPON:

18 THE HONORABLE DOROTHY MOBLEY JONES, being
19 duly sworn and cautioned to speak the truth, the whole
20 truth and nothing but the truth, testifies as follows:

21 REPRESENTATIVE CLEMMONS: Some time ago, we
22 forward -- we sent you a personal data questionnaire, which
23 you completed rather extensively. And we would inquire,
24 now, whether those responses you provided are current --
25 are current and correct? Are they in need of amendment in

1 any way at this time?

2 JUDGE JONES: I cannot think of any
3 amendment or changes.

4 REPRESENTATIVE CLEMMONS: Thank you. Would
5 you have any objection to this Commission receiving those
6 responses as a part of your sworn testimony -- as a record
7 -- part of the record of your sworn statement today?

8 JUDGE JONES: I have no objection. That's
9 fine.

10 REPRESENTATIVE CLEMMONS: Does any
11 Commission member have an objection?

12 (No response.)

13 REPRESENTATIVE CLEMMONS: Hearing none, so
14 ordered.

15 (EXHIBIT NO. 40 - Judicial Merit Selection
16 Commission Personal Data Questionnaire of The
17 Honorable Dorothy Mobley Jones dated August 10th,
18 2015)

19 REPRESENTATIVE CLEMMONS: Judge, the
20 Judicial Merit Selection Commission has thoroughly
21 investigated your qualifications for continuation on the
22 bench. Our inquiry has focused on the nine evaluative
23 criteria, and the process has resulted in today. And you
24 are a witness, for which we are grateful.

25 There have been no affidavits filed in

1 opposition to your election, nor are there any other
2 witnesses present to testify.

3 Now if you would turn your attention to your
4 screening attorney; he has a few questions to ask you.

5 JUDGE JONES: Yes, sir.

6 REPRESENTATIVE CLEMMONS: Thank you.

7 MR. ODOM: Good afternoon, Judge Jones.

8 JUDGE JONES: Good afternoon.

9 MR. ODOM: You have before you the sworn
10 statement you provided, with detailed answers to over
11 thirty questions. Are there any amendments you would like
12 to make to your sworn statement?

13 JUDGE JONES: I cannot think of any at this
14 time.

15 MR. ODOM: Okay. Mr. Chairman, I'd like to
16 ask that Judge Jones' sworn statement be entered in as an
17 exhibit into the hearing record.

18 REPRESENTATIVE CLEMMONS: Thank you. Is
19 there any objection?

20 (No response.)

21 REPRESENTATIVE CLEMMONS: Hearing none, so
22 ordered.

23 (EXHIBIT NO. 41 - Judicial Merit Selection
24 Commission Sworn Statement of The Honorable
25 Dorothy Mobley Jones dated August 10th, 32015)

1 EXAMINATION BY MR. ODOM:

2 **Q. Judge Jones, after serving over ten years on the**
3 **family court, why do you desire to continue serving as a**
4 **family court judge?**

5 A. Well, thank you for asking that. It has really
6 been a privilege. I always enjoyed practicing law 27
7 years, before I went on the bench. But being on the bench,
8 you certainly are able to work with a more diverse group.
9 And on many days, we spend time for children. And I
10 thoroughly enjoy that, our juveniles, our DSS cases where
11 we have protective issues for the children.

12 But I also enjoy just our standard private docket
13 as well, 'cause I did complex litigation when I practiced
14 domestic law. So I just enjoy it because I feel like I'm
15 giving back. I really feel like it is an opportunity to
16 take what you've gained and learned over the years -- in my
17 case, over 25 years -- and then apply it on the bench to
18 cases, help people through this. In divorce court -- until
19 you've been there, you really can't explain it. They were
20 asking me some questions about that the other day at the --
21 and I said, "I can't even make this stuff up." I mean, you
22 know, it's -- and you really have to be able to handle
23 people and get them through it and get it -- get them
24 through it well. So I feel like I do that extremely well.

25 **Q. Well, Judge, the Commission received 237 ballot**

1 box surveys regarding you, with 27 additional comments.
2 The ballot box survey, for example, contained the following
3 positive comments:

4 "Judge Jones has all -- in all caps -- the
5 attributes we would want in a family court judge. As
6 difficult of a job as it is, she is inspiration in the
7 handling of all of the situations that come before her."

8 Another comment said that, "Judge Jones is an
9 exceptional family court judge who combines a thorough
10 knowledge of the law with an incredible sense of compassion
11 for those appearing in her courtroom."

12 MR. ODOM: None of the written comments
13 expressed any concerns about Judge Jones.

14 EXAMINATION RESUMED BY MR. ODOM:

15 Q. Judge Jones, there's just a few more procedural
16 questions that I have. Have you sought or received the
17 pledge of any legislator prior to this date?

18 A. I have not.

19 Q. Have you sought or have you been offered a
20 conditional pledge of support of any legislator, pending
21 the outcome of your screening?

22 A. No, I have not.

23 Q. Have you asked any third parties to contact
24 members of the General Assembly on your behalf?

25 A. No, I have not.

1 Q. And are you aware of anyone attempting to
2 intervene in any part of this process on your behalf?

3 A. No, I am not.

4 Q. And have you contacted any members of the
5 Commission?

6 A. No, I have not.

7 Q. Do you understand that you are prohibited from
8 seeking a pledge or commitment until 48 hours after the
9 formal release of the Commission's report?

10 A. Yes, I do.

11 Q. Have you reviewed the Commission's guidelines on
12 pledging?

13 A. I did whatever you told me to do.

14 Q. And as a follow-up, are you aware of the
15 penalties for violating the pledging rules; that is, it is
16 a misdemeanor, and upon conviction the violator must be
17 fined not more than a thousand dollars or imprisoned for
18 not more than 90 days?

19 A. Yes.

20 MR. ODOM: I would note that the Midlands
21 Citizens Committee reported that Judge Jones is qualified
22 in the evaluative criteria of Constitutional
23 qualifications, physical health and mental stability. The
24 Committee found -- found Judge Jones to be well qualified
25 in the remaining evaluative criteria of ethical fitness,

1 professional and academic ability, character, reputation,
2 experience, and judicial temperament.

3 The Committee stated that, "Judge Jones is
4 impressive on all levels, she is a high-energy person who
5 also happens to be blessed with a first class intellect and
6 willing personality. She is very well suited for her job."

7 I further note for the record that any
8 concerns raised during the investigation regarding Judge
9 Jones has been incorporated into today's questions.

10 And, Mr. Chairman, I have no further
11 questions.

12 REPRESENTATIVE CLEMMONS: Thank you very
13 much. Do any members of the Commission have questions?
14 Dean Wilcox is recognized.

15 MR. WILCOX: Thank you, Mr. Chairman.

16 As a resident of the 5th Circuit, I will
17 tell you that we are all very much aware of how fortunate
18 we are to have Judge Jones on the court here. And we do
19 not like to lend her to other circuits, because she really
20 is a superb judge to have. And that --

21 JUDGE JONES: Well, I appreciate that.

22 MR. WILCOX: And I just -- I want to comment
23 you on the comments about your temperament, particularly.
24 We are very concerned as a Commission, that we have judges
25 with the appropriate temperament. And to have no negative

1 comments in a family court situation is a remarkable
2 achievement. And I just ask you that you keep going the
3 next six years the way you've been going. And thank you
4 very much.

5 JUDGE JONES: Oh, thank you so much. I'm
6 not sure Lee County's asking me to come back. It may not
7 be a contest, once I beef up on my chicken coup knowledge.

8 MR. WILCOX: Thank you, Mr. Chairman.

9 REPRESENTATIVE CLEMMONS: Thank you, Dean.
10 Any other questions? Senator Malloy?

11 SENATOR MALLOY: I think I know Judge Jones,
12 and I would echo my Dean, and say that I don't -- I don't
13 think I've ever appeared in front of her, though. But I do
14 know that she gets great reviews from all of our
15 colleagues.

16 REPRESENTATIVE CLEMMONS: Thank you,
17 Senator.

18 JUDGE JONES: Thank you, Senator Malloy.

19 REPRESENTATIVE CLEMMONS: Any other comments
20 or questions?

21 (No response.)

22 REPRESENTATIVE CLEMMONS: And I'll have to
23 say, we're very proud of our judges in the 16th -- in the
24 16th Judicial Circuit, but if we could have another one,
25 we'd want it to be Judge Jones.

1 JUDGE JONES: Thank you.

2 REPRESENTATIVE CLEMMONS: Thank you very
3 much, all. And, Judge Jones, thank you very much for
4 taking the time out of your busy court calendar to be with
5 us, today, and to take part in this important process.

6 That concludes this portion of the screening
7 process. As you know, the record will remain open until
8 the report is published. And you could be called back at
9 such time, if that need should arise.

10 And with that, we want to thank you very
11 much for being with us. And thank you for what you do for
12 the State of South Carolina.

13 JUDGE JONES: Well, thank you so much, Mr.
14 Chairman and all the members here. I do enjoy my job.
15 It's a great job. I wouldn't want to be on any other
16 court. And I mean that sincerely. So when I leave, I'll
17 leave from this court. It's really the place to be. Thank
18 you very much.

19 REPRESENTATIVE CLEMMONS: Thank you.

20 (Candidate excused.)

21 REPRESENTATIVE CLEMMONS: Good afternoon.

22 JUDGE MARTIN: Good afternoon.

23 REPRESENTATIVE CLEMMONS: Judge, it's good
24 to have you with us. Thank you for joining us.

25 JUDGE MARTIN: I'm glad to be here.

1 REPRESENTATIVE CLEMMONS: Ladies and
2 Gentlemen of the Commission, we have before us The
3 Honorable Daniel E. Martin, Jr., of the Family Court, 9th
4 Judicial Circuit, Seat 1. Judge Martin, let's start by
5 swearing you in, if we may.

6 WHEREUPON:

7 THE HONORABLE DANIEL E. MARTIN, JR., being
8 duly sworn and cautioned to speak the truth, the whole
9 truth and nothing but the truth, testifies as follows:

10 REPRESENTATIVE CLEMMONS: Judge Martin, at
11 the beginning of this process, you responded to a number of
12 questions in the personal data questionnaire. Are those
13 responses current and correct today? Or are they in need
14 of any amendment at this time?

15 JUDGE MARTIN: They are correct.

16 REPRESENTATIVE CLEMMONS: Thank you. Would
17 you have any objection to making those responses a part of
18 the record of your sworn testimony today?

19 JUDGE MARTIN: No objection at all.

20 REPRESENTATIVE CLEMMONS: Thank you. Is
21 there any objection to the Commission?

22 (No response.)

23 REPRESENTATIVE CLEMMONS: Hearing none, so
24 ordered.

25 (EXHIBIT NO. 42 - Judicial Merit Selection

1 Commission Personal Data Questionnaire of The
2 Honorable Daniel E. Martin, Jr. dated July 30th,
3 2015)

4 REPRESENTATIVE CLEMMONS: Judge Martin, the
5 Judicial Merit Selection Commission has thoroughly
6 investigated your qualifications for continuation on the
7 bench. Our inquiry has focused on the statutory criteria,
8 the nine evaluative criteria, and it has resulted in the
9 process here today.

10 During that time we've received no
11 affidavits filed in opposition to your election -- your
12 reelection, nor are there any witnesses present to testify
13 other than yourself.

14 At this point, we'd like you to turn your
15 attention to Ms. Dean, your screening attorney, and respond
16 to any questions she may have.

17 SENATOR MALLOY: Mr. Chairman, before we go
18 on.

19 REPRESENTATIVE CLEMMONS: Yes. Senator
20 Malloy is recognized.

21 SENATOR MALLOY: Before we start answering
22 the questions, I just would report on the record that Judge
23 Martin and I are classmates from law school, and we
24 actually married roommates. I met my wife, first, but he
25 got married first. And I introduced them. So I been

1 knowing him and his family for a long period of time. And,
2 obviously, we've heard what happened here yesterday, so as
3 we go forward, I want to have the Commission keep -- keep
4 that in mind.

5 REPRESENTATIVE CLEMMONS: Thank you so much
6 for that disclosure on the record, Senator Malloy.

7 JUDGE MARTIN: Can I make just one comment
8 about that?

9 REPRESENTATIVE CLEMMONS: Yes, sir.

10 JUDGE MARTIN: Gerald introduced me to my
11 wife, and he takes a lot of credit for that, but he won't
12 take any of the blame.

13 REPRESENTATIVE CLEMMONS: Careful, we are on
14 the record. We are on the record.

15 JUDGE MARTIN: Twenty-six years. We've been
16 married 26 years.

17 REPRESENTATIVE CLEMMONS: Congratulations,
18 sir. Ms. Dean?

19 MS. DEAN: Thank you. Judge Martin, you
20 have before you, your sworn statement, where you answered
21 over thirty detailed questions. Are there amendments you'd
22 like to make to the sworn statement at this time?

23 JUDGE MARTIN: No.

24 MS. DEAN: Mr. Chairman, I would like to ask
25 that Judge Martin's sworn statement be entered as an

1 exhibit into the hearing record.

2 REPRESENTATIVE CLEMMONS: Is there any
3 objection?

4 (No response.)

5 REPRESENTATIVE CLEMMONS: Hearing none, so
6 ordered.

7 (EXHIBIT NO. 43 - Judicial Merit Selection
8 Commission Sworn Statement of The Honorable
9 Daniel E. Martin, Jr. dated July 30th, 2015)

10 EXAMINATION BY MS. DEAN:

11 **Q. Judge Martin, after serving four years on the**
12 **family court bench, why would you like to continue to**
13 **serve?**

14 A. It's a job I enjoy, and I think it's a job that I
15 am getting better at. It's a job where I can actually
16 serve my community and be of service, I think, to the
17 public at large. And I'd like the opportunity to continue
18 doing that.

19 **Q. Thank you, Judge. Judge Martin, the Commission**
20 **received 277 ballot box surveys regarding you, with 34**
21 **additional comments, which included many positive comments**
22 **stating, "A proven, exceptionally able judge. Temperament**
23 **and professionalism are exceptional."**

24 **Five of the 34 written comments expressed some**
25 **concerns. A concern appeared -- appeared to be related to**

1 **your process of reaching conclusions in a case. And can**
2 **you just please briefly describe to the Commission, your**
3 **process when you're evaluating a case.**

4 A. Well, if it's a case that I think merits some
5 time that needs some study, I will take time to do that.
6 Generally, most cases I can make the determination after
7 the conclusion of all of the evidence and testimonies comes
8 in. But there are issues, sometimes, that require some
9 further investigation of deliverance. And when that
10 happens, I will let the parties know that I'm going to take
11 the matter under advisement, and then I write out a very
12 detailed -- what I call letter of instruction to the
13 lawyers or the litigants, and produce an order from that.
14 So sometimes that takes a while. But normally, I try to
15 get that done within 24 to 48 hours.

16 **Q. Thank you, Judge. In your personal data**
17 **questionnaire, you listed three lawsuits where you were**
18 **named as a co-defendant: Georgetown Greenhouse versus**
19 **Lawrence Smith; Palmetto Mortgage versus Lawrence Smith;**
20 **and Wells Fargo versus Lawrence Smith. Can you briefly**
21 **explain the nature of these cases?**

22 A. Yes, absolutely. Mr. Smith owed a debt to me. I
23 had a judgement against Mr. Smith. Mr. Smith was sued
24 because he had some real estate in two or three foreclosure
25 actions by lenders who also had judgements against him.

1 And whenever that happened, any other judgement-holder or
2 lien-holder has to be named as a party to the action. So I
3 was named as not co-defendant, but interested party.
4 Unfortunately, I was never able to be satisfied, because
5 Mr. Lawrence was overextended in all of his other
6 obligations.

7 **Q. Thank you, Judge. And, similarly, there were**
8 **also lawsuits filed naming you as a defendant by City**
9 **Finance -- City Financial and EquiFund. Could you please**
10 **explain the nature of those lawsuits?**

11 A. Certainly. In probate court, sometimes if there
12 is not a personal representative that can be appointed from
13 the family, the court will appoint a specific personal
14 representative to serve in that capacity. And in this
15 particular case, it was a married couple who owned some
16 real estate; it was heavily mortgaged. When they died,
17 they had no money to pay the mortgage, so the court
18 directed that the property be sold. And so the property
19 was listed for sale. There was no one who wanted to buy
20 the property before. The lienholders filed a foreclosure
21 action against the property, and it ended in a foreclosure.
22 But the foreclosure actually happened after I'd been
23 relieved as the personal representative.

24 **Q. Thank you, Judge. And finally, dealing with**
25 **lawyers, you were named -- in your PDQ, you mentioned being**

1 -- excuse me -- named in a lawsuit dealing with -- that
2 arose from the "Baby Veronica" case.

3 A. That is correct. Yes, ma'am.

4 Q. Could you briefly describe that? Or, I have it
5 in front of me in the PDQ. But you also have --

6 A. Yes, ma'am. I was assigned the case to act --
7 after it came back from the Supreme Court back to
8 Charleston County, to preside over the adoption hearing.
9 And the Cherokee Nation did not want me to go forward with
10 the hearing. So they -- I think either an hour -- maybe
11 with a day -- I think it was the same day that the hearing
12 was scheduled, they filed with the National Federal Court
13 to try to get a temporary restraining order to prevent me
14 from having the hearing. That went in front of Judge
15 Norton, who is a United States District Court Judge in
16 Charleston; he denied their motion. And so the hearing
17 still took place.

18 The Attorney General of the state then hired a
19 lawyer, or assigned one of the other lawyers to represent
20 me in the action. And the action was dismissed shortly
21 thereafter.

22 Q. Thank you, Judge.

23 MS. DEAN: At this time, Mr. Chairman, I
24 would like to ask that we go into executive session.

25 SENATOR MARTIN: So move.

1 REPRESENTATIVE CLEMMONS: We have a motion.
2 So ordered. Please secure the room.

3 (Off-the-record executive session.)

4 REPRESENTATIVE CLEMMONS: We are back on the
5 record, Judge Martin.

6 JUDGE MARTIN: Yes, sir.

7 EXAMINATION RESUMED BY MS. DEAN:

8 **Q. Thank you, Judge Martin. I just have a few**
9 **housekeeping issues at this time. Have you sought or**
10 **received the pledge of any legislator prior to this date?**

11 A. I have not.

12 **Q. Have you sought or have you been offered a**
13 **conditional pledge of support of any legislator, pending**
14 **the outcome of your screening?**

15 A. I have not.

16 **Q. Have you asked any third parties to contact**
17 **members of the General Assembly on your behalf?**

18 A. I haven't.

19 **Q. Are you aware of anyone attempting to intervene**
20 **in any part of this process on your behalf?**

21 A. No, I'm not.

22 **Q. Have you contacted any members of this**
23 **Commission?**

24 A. No, I haven't.

25 **Q. Do you understand that you are prohibited from**

1 seeking a pledge or a commitment until 48 hours after the
2 formal release of the Commission's report?

3 A. I understand that.

4 Q. Have you reviewed the Commission's guidelines on
5 pledging?

6 A. I have.

7 Q. As a follow-up, are you aware of the penalties
8 for violating the pledging rules; that is, it is a
9 misdemeanor, and upon conviction the violator must be fined
10 not more than a thousand dollars or imprisoned not more
11 than 90 days?

12 A. I am aware.

13 MS. DEAN: I would note that the Lowcountry
14 Citizens Committee reported that Judge Martin is qualified
15 for Constitutional qualifications, mental stability and
16 physical health. The Committee found him qualified in the
17 remaining categories.

18 Any concerns raised during the investigated
19 regarding the candidate today, were incorporated in today's
20 questioning.

21 Mr. Chairman, I have no further questions.

22 REPRESENTATIVE CLEMMONS: Thank you, Ms.
23 Dean. Do any members of the Commission have questions for
24 Judge Martin? Representative Mack, you're recognized.

25 REPRESENTATIVE MACK: Thank you, Mr.

1 Chairman.

2 EXAMINATION BY REPRESENTATIVE MACK:

3 Q. Judge Martin, where did you go to undergrad?

4 A. I went to Howard University.

5 Q. Howard University?

6 A. Yes, sir.

7 Q. That was a phenomenal school, wasn't it?

8 A. I would agree.

9 REPRESENTATIVE MACK: I just want to get
10 that on the record. No, but seriously, I wanted to just
11 also say for the record, our families are very close. His
12 father served with distinction in the House of
13 Representative and State Legislature here in the State
14 Legislature, and served with distinction as a judge. Well
15 respected in the Charleston community. And Judge Martin is
16 ten years younger than me. And for years, in my early
17 life, I've called him "Little Danny."

18 JUDGE MARTIN: Yes, sir.

19 REPRESENTATIVE MACK: Until one day he was
20 taller than me, so I couldn't call him that anymore. But I
21 think what -- but I wanted to say on the record, that he
22 serves with integrity. He serves with a great deal of
23 passion, well respected in the community. And when he ran
24 the first time, as close as we are, he never said a word to
25 me. Which I respect. I found out when I looked over the

1 documents, that he was running. And so I just wanted to --

2 (Off-the-record discussion.)

3 REPRESENTATIVE MACK: But I just wanted to
4 say how much I respect him, and he's well thought of in the
5 Charleston community.

6 JUDGE MARTIN: I appreciate those comments.

7 SENATOR MARTIN: Mr. Chairman and members of
8 the Commission.

9 REPRESENTATIVE CLEMMONS: Senator Martin?

10 SENATOR MARTIN: I asked yesterday, several
11 questions about candidates who were running in contested
12 races, what judge on the bench would they indicate most
13 typifies or -- the type of judge -- qualities in a judge
14 they'd like to emulate, and you were named by several of
15 those candidates.

16 JUDGE MARTIN: Wow.

17 SENATOR MARTIN: So --

18 JUDGE MARTIN: That's great to hear.

19 SENATOR MARTIN: -- people are watching you
20 and observing you, and want to be like you. So that's a --
21 that speaks very highly of you. Let me also say that I
22 served with your father in the House, he's just a great
23 gentleman.

24 JUDGE MARTIN: Thank you, sir.

25 SENATOR MARTIN: And I have very fond

1 memories of our service together, and I can -- I can see
2 why you're doing so well.

3 JUDGE MARTIN: Thank you, sir. I appreciate
4 those comments.

5 SENATOR MALLOY: Mr. Chair, if you -- if you
6 go down to Mother Emanuel, Judge Martin and his family are
7 lifelong members of Mother Emanuel Church in Charleston.
8 And for those that are wondering how his father is doing,
9 they see that he is very gracefully -- the choir is over
10 the background in the back in the balcony, and the
11 distinguished guy with still a lot of hair, and it's gray,
12 normally with his jacket off, singing, that's -- that's
13 Judge Martin's daddy. And he still -- he's still a
14 patriarch in that church, and still a patriarch down in the
15 community.

16 SENATOR MARTIN: I used to call him "Cousin
17 Danny."

18 SENATOR MALLOY: He and I been to -- been
19 Milwaukee many times.

20 REPRESENTATIVE CLEMMONS: Are there any
21 other comments or questions?

22 (No response.)

23 REPRESENTATIVE CLEMMONS: Well, with regard
24 to your church family, please accept the condolences of the
25 Commission.

1 JUDGE MARTIN: Yes, sir. And I extend the
2 same, 'cause my pastor was a friend and a colleague of
3 yours. So I extend my condolences to you as well.

4 REPRESENTATIVE CLEMMONS: We all miss him.
5 Thank you very much.

6 JUDGE MARTIN: Thank you.

7 REPRESENTATIVE CLEMMONS: Thank you for your
8 distinguished service.

9 JUDGE MARTIN: Thank you for your time.

10 REPRESENTATIVE CLEMMONS: Judge Martin, that
11 will conclude this portion of the screening process. As
12 you know, the record will remain open until such time that
13 the report is published. And you may be called back at
14 such time, if that need should arise.

15 And with that, thank you again for all you
16 do for South Carolina.

17 JUDGE MARTIN: All right. Thank you too.

18 REPRESENTATIVE CLEMMONS: Thank you, sir.

19 (Candidate excused.)

20 REPRESENTATIVE CLEMMONS: Judge, thank you
21 so much for being with us today, Judge.

22 JUDGE LANDIS: Thank you.

23 REPRESENTATIVE CLEMMONS: we have before us
24 The Honorable Jack Alan Landis, of the Family Court, 9th
25 Judicial Circuit, Seat 6. Judge, it's an honor to have you

1 with us today.

2 Would you please raise your right hand and
3 be sworn.

4 WHEREUPON:

5 THE HONORABLE JACK ALAN LANDIS, being duly
6 sworn and cautioned to speak the truth, the whole truth and
7 nothing but the truth, testifies as follows:

8 REPRESENTATIVE CLEMMONS: Judge, you
9 responded to the personal data questionnaire that this
10 Commission sent -- the Commission sent you some time ago.
11 With regard to those answers, that response, are they
12 current and correct today? Or are they in need of any
13 amendment?

14 JUDGE LANDIS: They're not in need of any
15 amendments, as far as I know.

16 REPRESENTATIVE CLEMMONS: Thank you, sir.
17 Would you have any objection to your response -- to the
18 personal data questionnaire being made a part of the record
19 of your sworn testimony today?

20 JUDGE LANDIS: Not at all.

21 REPRESENTATIVE CLEMMONS: Thank you. Is
22 there any objection by the Commission?

23 (No response.)

24 REPRESENTATIVE CLEMMONS: Hearing none, it
25 is so ordered.

1 (EXHIBIT NO. 44 - Judicial Merit Selection
2 Commission Personal Data Questionnaire of The
3 Honorable Jack Alan Landis dated August 9th,
4 2015)

5 REPRESENTATIVE CLEMMONS: Judge, the
6 Judicial Merit Selection Commission has thoroughly
7 investigated your qualifications for reelection to the
8 bench. As a part of that process, we -- our investigation
9 has been focused on the nine evaluative criteria. And as a
10 result of that process, there have been no witnesses --
11 there are no witnesses present to testify, and there have
12 been no affidavits filed in opposition to your election.

13 We would ask that you turn your attention to
14 Mr. Gentry, your screening attorney, and respond to any
15 questions he may have.

16 JUDGE LANDIS: Yes, sir.

17 REPRESENTATIVE CLEMMONS: Thank you.

18 MR. GENTRY: Judge Landis, you have before
19 you the sworn statement you provided to the Commission.
20 Are there any amendments you would like to make to your
21 sworn statement?

22 JUDGE LANDIS: No.

23 MR. GENTRY: Mr. Chairman, I'd ask that
24 Judge Landis' sworn statement be entered as an exhibit into
25 the hearing record.

1 REPRESENTATIVE CLEMMONS: Is there any
2 objection?

3 (No response.)

4 REPRESENTATIVE CLEMMONS: Hearing none, so
5 ordered.

6 (EXHIBIT NO. 45 - Judicial Merit Selection
7 Commission Sworn Statement of The Honorable Jack
8 Alan Landis dated August 6th, 2015)

9 EXAMINATION BY MR. GENTRY:

10 **Q. Judge Landis, after serving 17 years on the**
11 **family court, why do you want to continue to service?**

12 A. Quite frankly, I love this job. It's -- it's
13 where my experience is from practicing law. I did
14 primarily domestic law. Not to toot my own horn, but I
15 think I do a fairly good job at what I do. I think the
16 lawyers, in general, like me. I think I try to give
17 litigants a fair hearing. And I would just like to
18 continue to serve.

19 **Q. The Commission received 329 ballot box surveys**
20 **regarding you, with 19 additional comments. The ballot box**
21 **survey, for example, contained the following positive**
22 **comments:**

23 **"Judge Landis is a valuable addition to our**
24 **family court bench. And in the times I have practiced**
25 **before him, he has exhibited himself to be well qualified**

1 to continue serving in this capacity."

2 Six of the written comments expressed concern
3 with your temperament and demeanor. What response would
4 you offer to these concerns?

5 A. Well, quite frankly, I'm surprised by those
6 comments. Because I guess it's difficult to judge
7 ourselves, but I feel like I'm extremely patient with
8 people. I do my best to never embarrass anybody that comes
9 in the family court. And there's a great deal of personal
10 information that we learn, that folks would probably prefer
11 not be known. So I do my best not to embarrass folks.

12 I try to remain patient. I'm sorry if anybody
13 has ever left my court feeling like my demeanor was
14 incorrect, 'cause that's not the judge I want to be. I
15 want to be known as a fair, patient, temperate judge. So
16 I'll be conscious of this and try to do better in the
17 future.

18 Q. Would you ever say anything mean, rude,
19 derogatory, or defamatory towards anyone in the courtroom?

20 A. Not intentionally. You know, I might have a slip
21 of the tongue, and say something that comes out and sounds
22 wrong. But I would never intentionally do that to anyone.

23 Q. The SLED report indicated that since your last
24 screening, a lawsuit was filed against you in 2010 by
25 Nathaniel Green. Can you explain the nature and

1 **disposition of this lawsuit?**

2 A. Yes, sir. When I started through the screening
3 process was the first time I learned of this lawsuit,
4 because I was never served with it. It was a prisoner
5 lawsuit, alleging some civil rights violation that I
6 couldn't discern to be very specific when I did get a copy
7 of the file. I'm not sure that there was even a specific
8 allegation regarding me. I was just simply one of the
9 people that was mentioned somewhere in the body of his
10 complaint, and it was summarily dismissed by the Federal
11 Magistrate.

12 **Q. Also, the SLED report indicated that since your**
13 **last screening, a lawsuit was filed against you in 2014 by**
14 **Deutsche Bank Nation Truth Company. Can you explain the**
15 **nature and disposition of this lawsuit?**

16 A. Yes, sir. That was -- I find myself in the
17 unenviable position of going through a divorce myself. And
18 I don't want to -- it's going to sound like I'm trying to
19 pass blame -- and I'm really not. I'm just trying to
20 explain. Because, ultimately, it was my responsibility.
21 When we separated and I took over the finances again, I
22 learned that my wife had essentially not paid any bills for
23 the last year, and I was unaware of it. I have some lake
24 property, I went and mortgaged the lake property.
25 Fortunately, it was without a mortgage. I mortgaged that

1 to try to pay up all these things that were in arrears.

2 And I've just been trying to get straight ever
3 since then. Up until recently, I was still learning about
4 accounts that I never knew existed. So it was a
5 foreclosure action. It was dismissed, because we satisfied
6 the -- the requirements of it, and hopefully that's behind
7 me for good.

8 **Q. As well, the SLED report indicated that your**
9 **driver's license was suspended in 2010 for cancellation of**
10 **insurance. Can you explain why the driver's license was**
11 **suspended?**

12 A. Yes, sir. I have an old MGB that I had restored.
13 And I had it on the road for several years, and I took it
14 off the road and cancelled my insurance. And, quite
15 frankly, I didn't even think about the license plates on
16 the car. They notified me, my license was suspended 'cause
17 I hadn't turned in the license plates from the MGB. As
18 soon as those were turned -- I turned those in and the
19 license was reinstated. That was an oversight on my part.

20 MR. GENTRY: Mr. Chairman, I would like to
21 request the Commission go into executive session.

22 REPRESENTATIVE CLEMMONS: Do we have a
23 motion?

24 SENATOR MARTIN: So move.

25 REPRESENTATIVE CLEMMONS: So ordered.

1 (Off-the-record executive session.)

2 REPRESENTATIVE CLEMMONS: We have risen from
3 executive session. And we are back on the record, not
4 having taken any votes or making any decisions. Please,
5 Mr. Gentry.

6 EXAMINATION RESUMED BY MR. GENTRY:

7 Q. Judge Landis, have you sought or received a
8 pledge of any legislator prior to this date?

9 A. No.

10 Q. Have you sought or have you been offered a
11 conditional pledge of support of any legislator, pending
12 the outcome of your screening?

13 A. No.

14 Q. Have you asked any third parties to contact
15 members of the General Assembly on your behalf?

16 A. No, sir.

17 Q. Are you aware of anyone attempting to intervene
18 in any part of the process on your behalf?

19 A. No, sir.

20 Q. Have you contacted any members of this
21 Commission?

22 A. I've communicated with some, but not for the
23 purpose of the election. I mean, in some of our
24 conferences, I've spoken to, like, Senator Malloy and
25 Representative Bannister. But I've not contacted regarding

1 the reelection process.

2 Q. Do you understand that you're prohibited from
3 seeking a pledge or commitment until 48 hours after the
4 formal release of the Commission's report?

5 A. Yes, sir.

6 Q. Have you reviewed the Commission's guidelines on
7 pledging?

8 A. I have.

9 Q. As a follow-up, are you aware of the penalties
10 for violating the pledging rules; that is, it is a
11 misdemeanor, and upon conviction the violator must be fined
12 not more than a thousand dollars or imprisoned not more
13 than 90 days?

14 A. I learned that last time with the screening.
15 But, yes, I'm aware of that.

16 MR. GENTRY: I would note that the Lowcountry
17 Citizens Committee found Judge Landis to be well qualified
18 as to ethical fitness, professional and academic ability,
19 character, reputation, experience, and judicial
20 temperament, and qualified as to Constitutional
21 qualifications, physical health and mental stability.

22 I would also note for the record that any
23 concerns raised during the investigation regarding the
24 candidate were incorporated into the questioning today.

25 Mr. Chairman, I have no further questions.

1 REPRESENTATIVE CLEMMONS: Thank you very
2 much. Members, do you have questions of Judge Landis?

3 (No response.)

4 EXAMINATION BY REPRESENTATIVE CLEMMONS:

5 **Q. Judge, if I could ask you a question. With**
6 **regard to the five negative ballot box survey comments**
7 **received, they bring into question matters of temperament**
8 **on the bench. Would you care to expound on that for us?**

9 A. Well, again, I -- I was quite surprised by those.
10 Because I guess nobody's ever going to tell a judge what
11 they're doing wrong; they're reluctant to do so. And I've
12 always strived to be a very patient person, a very
13 compassionate person. I don't have a very short temper. I
14 don't have a short fuse. I'm not easily offended. And I
15 was surprised by those. But I don't want anybody to ever
16 leave my courtroom feeling like they didn't get a fair
17 shake, or that my mood was such that there's no way I could
18 make any rational decisions. I want everybody to feel --
19 to leave the courtroom feeling like they've been in front
20 of a judge who listened, listened carefully, listened
21 patiently, and gave them a fair shot at their position.

22 So I will take notice of those negative comments,
23 and do my best to improve on them -- on that situation.

24 But again, it's hard for us to judge ourselves. And this
25 is about the only time we get that information, so we don't

1 know what people are saying about us.

2 Q. Thank you. I think for that reason -- if for
3 that reason alone, that this -- the opportunity to meet
4 with you, today, was a -- is good for the system, so that
5 we -- we can discuss these difficult matters to discuss,
6 and stress things like judicial temperament and how
7 important it is to maintain. Thank you very much for your
8 response.

9 SENATOR MALLOY: Mr. Chair, let me say that
10 --

11 REPRESENTATIVE CLEMMONS: Senator Malloy?

12 SENATOR MALLOY: Mr. Chair, I'll say one --
13 one thing. We just had Judge Danny Martin in here, and
14 Judge Danny Martin -- if you were to ask him which judge
15 does he admire, he considered Judge Landis a mentor who is
16 the person that absolutely recruited him to end up making
17 him become a family court judge.

18 REPRESENTATIVE CLEMMONS: Thank you for
19 sharing that, Senator. Are there any other comments or
20 questions?

21 (No response.)

22 REPRESENTATIVE CLEMMONS: Hearing none,
23 Judge Landis, thank you so much for being with us today.

24 JUDGE LANDIS: Thank you.

25 REPRESENTATIVE CLEMMONS: We appreciate it.

1 JUDGE LANDIS: Y'all have a good afternoon.

2 REPRESENTATIVE CLEMMONS: This will conclude
3 this portion of the screening process. As you know, the
4 record will remain open until the report is published. And
5 you could be asked to come back, if that -- with us again,
6 should the need arise.

7 With that, thank you for your service to
8 South Carolina -- service on the bench.

9 JUDGE LANDIS: Thank you.

10 REPRESENTATIVE CLEMMONS: We do appreciate
11 it.

12 JUDGE LANDIS: Thank you for your time.

13 REPRESENTATIVE CLEMMONS: Thank you, sir.

14 JUDGE LANDIS: Y'all have a nice afternoon.

15 (Candidate excused.)

16 REPRESENTATIVE CLEMMONS: Good afternoon,
17 Judge.

18 JUDGE BALLENGER: Good afternoon.

19 REPRESENTATIVE CLEMMONS: It's so good to
20 have you with us today.

21 JUDGE BALLENGER: Thank you so much.

22 REPRESENTATIVE CLEMMONS: We have --

23 JUDGE BALLENGER: It's good to be here.

24 REPRESENTATIVE CLEMMONS: We have before us,
25 The Honorable Karen F. Ballenger of the Family Court, 10th

1 Judicial Circuit, Seat 2. It's an honor to have you with
2 us, Judge.

3 Would you please raise your right hand and
4 be sworn.

5 WHEREUPON:

6 THE HONORABLE KAREN F. BALLENGER, being duly
7 sworn and cautioned to speak the truth, the whole truth and
8 nothing but the truth, testifies as follows:

9 REPRESENTATIVE CLEMMONS: Have you had an
10 opportunity -- well, actually, you prepared the personal
11 data questionnaire responses that we have on file. Are
12 those responses current and correct today? Or are they in
13 need of any amendment?

14 JUDGE BALLENGER: No, they're correct.

15 REPRESENTATIVE CLEMMONS: Thank you. Do you
16 have any objection to us including your responses in the
17 record of your sworn testimony today?

18 JUDGE BALLENGER: No objection.

19 REPRESENTATIVE CLEMMONS: Thank you very
20 much. Is there an objection by any Commission member?

21 (No response.)

22 REPRESENTATIVE CLEMMONS: Hearing none, so
23 it's so ordered.

24 (EXHIBIT NO. 46 - Judicial Merit Selection
25 Commission Personal Data Questionnaire of The

1 Honorable Karen F. Ballenger dated July 30th,
2 2015)

3 REPRESENTATIVE CLEMMONS: Judge, the
4 Judicial Merit Selection Commission has thoroughly
5 investigated your qualifications for continuation on the
6 bench. That inquiry has been focused on the nine
7 evaluative criteria, and it has resulted in your being with
8 us today, and this hearing today.

9 During that time, we've received no
10 affidavits filed in opposition to your reelection, and
11 there are no witnesses present to testify today other than
12 yourself.

13 With that introduction, we would ask that
14 you turn your attention to your screening attorney, and
15 respond to his questions. Thank you.

16 MR. STIMSON: Good afternoon, Judge
17 Ballenger.

18 JUDGE BALLENGER: Good afternoon.

19 MR. STIMSON: You have before you, the sworn
20 statement you provided, with detailed answers to over
21 thirty questions. Are there any amendments you would like
22 to make at this time to your sworn statement?

23 JUDGE BALLENGER: No.

24 MR. STIMSON: Thank you. At this time, Mr.
25 Chairman, I would like to ask that Judge Ballenger's sworn

1 statement be entered as an exhibit into the hearing record.

2 REPRESENTATIVE CLEMMONS: Are there any
3 objection?

4 (No response.)

5 REPRESENTATIVE CLEMMONS: Without objection,
6 so ordered.

7 (EXHIBIT NO. 47 - Judicial Merit Selection
8 Commission Sworn Statement of The Honorable Karen
9 F. Ballenger dated August 5th, 2015)

10 EXAMINATION BY MR. STIMSON:

11 **Q. Judge Ballenger, after serving three years on the**
12 **family court, why do you want to continue serving as a**
13 **family court judge?**

14 A. Being a family court judge has allowed me to
15 continue serving my community in an area that I really
16 enjoy. I love the work. I'm very fortunate to be able to
17 wake up every morning and be happy to go to work. And I
18 want to continue that for another six years. As I've
19 indicated, I just enjoy my job and I enjoy getting up and
20 going to work every day, and I want to be able to continue
21 doing that and serving my community.

22 **Q. Thank you. Judge Ballenger, the Commission**
23 **received 189 ballot box surveys regarding you, with 13**
24 **additional comments. The ballot box survey comments**
25 **contained positive things, such as:**

1 "Probably the best judge on the family court
2 bench. We are lucky to have her here. Outstanding judge.
3 She has made contributing her talents to the citizens of
4 South Carolina her life's work. Excellent knowledge of
5 South Carolina family law."

6 Three of the written comments did express some
7 concerns. Two comments specifically indicated that you can
8 be slow in handling your cases, and, thus, cause a delay
9 with your docket. Do you care to address that concern?

10 A. I'm sure they're talking about temporary
11 hearings. And in most counties, they schedule temporary
12 hearings at a specific time -- like, a Monday morning in
13 Oconee County. And, you know, sometimes you can get behind
14 because you can have a 15-minute hearing where you're
15 having to make decisions concerning custody, alimony, child
16 support, attorney fees, who gets the marital home. You can
17 get behind.

18 And, you know, I am one of those judges, I take
19 affidavits, I read every word in that affidavit before I
20 made a decision. And sometimes I take the time to ask very
21 pointed questions, and so I can get behind. But there are
22 also 15-minute hearings that are -- are temporary hearings
23 where there may be one point that we have to address. So
24 by the end of whatever time period -- I don't -- I can't
25 remember a day where I didn't give my staff -- we didn't

1 get through at lunchtime and at five o'clock. So it all
2 kind of works out when you look at it from the time in the
3 morning.

4 But, yes, there are times that I do get behind.
5 And there are some cases that just need more than 15
6 minutes. And, unfortunately, there's some cases where
7 lawyers ask for 15 minutes when they need thirty. But, you
8 know, again, I try to make sure that I give whatever time I
9 need to, to that particular case.

10 **Q. Thank you. Another comment expressed a concern**
11 **that you can be unpredictable, and sometimes make up your**
12 **mind early rather than following the evidence. What**
13 **response would you offer to this concern?**

14 A. I'm not really sure how to address that. In
15 hearing the comment, the first time that we discussed that,
16 again, I think it's going back to the temporary hearings.
17 And if I am running behind, I'll read the affidavits, I'll
18 ask questions, and I always try to let -- letting the
19 attorneys give a statement. But sometimes it's impossible.
20 Sometimes I'm just running too far behind and I've gotten
21 all the -- what I need to make a decision, then I just go
22 ahead and have a ruling. But I have heard some attorneys
23 indicate that they would -- they like to be able to give
24 statements. And I always try to accommodate them. I
25 always try to accommodate them.

1 But sometimes -- sometimes you just can't,
2 because of the time restrictions. And then sometimes it's
3 just not good because of what may be going on in the
4 courtroom that could -- that could make a situation with
5 the litigants -- would make it harder on them. So I mean,
6 I try to be -- I try to give them time, but I think that's
7 where that comment's coming from. I'm not sure, but I
8 think that's where that's coming from.

9 **Q. Okay. Thank you, Judge Ballenger.**

10 REPRESENTATIVE CLEMMONS: Mr. Stimson,
11 before you leave that. Judge, I want to make sure that
12 when that happens, are you -- are you mindful of whether or
13 not the litigants are feeling like they're -- are you make
14 -- are you assuring that they feel that their position is
15 being represented and heard before the court at that time?

16 JUDGE BALLENGER: When I don't let the
17 attorneys --

18 REPRESENTATIVE CLEMMONS: Yes, ma'am.

19 JUDGE BALLENGER: And please let me -- let
20 me just -- probably 95 percent of the time, I always let
21 the attorneys have the time to make a statement. So it's
22 very rare that I don't. So I think I need to let that --
23 but, you know, the first thing that I tell the litigants
24 when they come in, I tell them that the temporary hearings
25 are based upon affidavits. And I'll recess the hearing,

1 and I'll say, "I'm going to read the affidavits." And I
2 let them look at me -- look at me while I read every word.
3 And what I do when I read the affidavits, when I'm reading
4 it and something comes up and that attorney's sitting
5 there, you know, I'll look at that attorney and say,
6 "Lawyer One, can you -- can you address this issue for me?
7 I don't quite understand it, basically, in your affidavit."

8 And so during the process, I ask questions. So I
9 -- the attorneys have already had a chance to tell me
10 things, and so they've spoken and -- and -- and talked
11 during the hearing. And, but, you know, again -- and I --
12 and I try very hard, you know, when I do give the attorney
13 a chance to talk, I tell them, "I've read the affidavits.
14 I don't need for you to tell me what's in the affidavit.
15 Please tell me, you know, basically, what the other side --
16 what their position is," and address their comments.

17 But again, let me go back to what I said before.
18 I understand. I was an attorney for twenty-plus years. I
19 understand the reason that attorneys want to stand up and
20 tell me and -- and make a statement. And it's not
21 necessarily for me, it's for their litigant. And I
22 understand that. So 95 percent, if not more -- probably 99
23 percent of the time, I allow them to do it.

24 You know, to be honest with you, I -- I kind of
25 think I know where that comment may be coming from. And it

1 was a case where I -- that attorney showed up two and a
2 half hours late, because he was somewhere else, and I kept
3 the -- I worked it in. And -- and then at that time, I
4 just didn't have the time to allow him to -- to make a
5 statement.

6 REPRESENTATIVE CLEMMONS: Thanks.

7 JUDGE BALLENGER: Ninety-nine percent of the
8 time, I do.

9 REPRESENTATIVE CLEMMONS: Thank you very
10 much for that clarification.

11 Mr. Stimson, I apologize for interrupting.
12 Please continue.

13 MR. STIMSON: Thank you, Chairman.

14 EXAMINATION RESUMED BY MR. STIMSON:

15 **Q. Just a few housekeeping issues for you, Judge**
16 **Ballenger. Have you sought or received a pledge of any**
17 **legislator prior to this date?**

18 A. No.

19 **Q. Have you sought or have you been offered a**
20 **conditional pledge of support of any legislator, pending**
21 **the outcome of your screening?**

22 A. No.

23 **Q. Have you asked any third parties to contact**
24 **members of the General Assembly on your behalf?**

25 A. No.

1 Q. Have you contacted any members of this
2 Commission?

3 A. No.

4 Q. Do you understand that you are prohibited from
5 seeking a pledge or commitment until 48 hours after the
6 formal release of the Commission's report?

7 A. Yes.

8 Q. Have you reviewed the Commission's guidelines on
9 pledging?

10 A. Yes.

11 Q. As a follow-up, are you aware of the penalties
12 for violating the pledging rules; that is, it is a
13 misdemeanor, and upon conviction the violator must be fined
14 not more than one thousand dollars or imprisoned not more
15 than 90 days?

16 A. Yes.

17 MR. STIMSON: I would note that the Upstate
18 Citizens Committee found Judge Ballenger qualified in the
19 evaluative criteria of Constitutional qualifications,
20 physical health and mental stability. The Upstate Citizens
21 Committee found Judge Ballenger well qualified in the
22 evaluative criteria of ethical fitness, professional and
23 academic ability, character, reputation, experience, and
24 judicial temperament.

25 I would just note for the record, that any

1 concerns raised during the investigation regarding Judge
2 Ballenger were incorporated into the questioning of her
3 today.

4 Mr. Chairman, I have no further questions.

5 REPRESENTATIVE CLEMMONS: Thank you for that
6 very thorough line of questioning, Mr. Stimson. Thank you
7 very much, Judge, for your responses. Do any members of
8 the Commission have any -- any further questions?

9 (No response.)

10 REPRESENTATIVE CLEMMONS: Hearing none,
11 Judge Ballenger, thank you so much for being with us today.
12 This will conclude this particular portion of the screening
13 process. I will remind you that the report will remain
14 open -- or excuse me -- the record will remain open until
15 such time that the report is published. And you may be
16 called back at such time, if that need should arise.

17 We, again, thank you for your service to
18 South Carolina, and service on the bench. Thank you for
19 being with us today.

20 JUDGE BALLENGER: Thank you so much.

21 REPRESENTATIVE CLEMMONS: Too many

22 (Candidate excused.)

23 REPRESENTATIVE CLEMMONS: Judge Kinlaw, good
24 to have you with us today.

25 JUDGE KINLAW: All right.

1 REPRESENTATIVE CLEMMONS: We have before us
2 The Honorable Alex Kinlaw, Jr., of the Family Court, 13th
3 Judicial Circuit, Seat 6.

4 Judge Kinlaw, if you would please be sworn.
5 Raise your right hand.

6 WHEREUPON:

7 THE HONORABLE ALEX KINLAW, JR., being duly
8 sworn and cautioned to speak the truth, the whole truth and
9 nothing but the truth, testifies as follows:

10 REPRESENTATIVE CLEMMONS: Judge, you
11 provided this Commission with a very thorough response to
12 our personal data questionnaire. And I understand that you
13 have also provided us with an amendment to that
14 questionnaire.

15 JUDGE KINLAW: Yes, sir.

16 REPRESENTATIVE CLEMMONS: Since the time of
17 that amendment, is there any need for any further amendment
18 to bring the personal data questionnaire current?

19 JUDGE KINLAW: No, sir.

20 REPRESENTATIVE CLEMMONS: Thank you, sir.
21 Would you have any objection to our including those
22 responses as amended to your personal data questionnaire,
23 as a part of the record of your sworn testimony today?

24 JUDGE KINLAW: No, sir.

25 REPRESENTATIVE CLEMMONS: Thank you. Is

1 there an objection by any Commission member?

2 (No response.)

3 REPRESENTATIVE CLEMMONS: Hearing none, so
4 ordered.

5 (EXHIBIT NO. 48 - Judicial Merit Selection
6 Commission Personal Data Questionnaire of The
7 Honorable Alex Kinlaw, Jr., dated July 23rd,
8 2015)

9 (EXHIBIT NO. 49 - Judicial Selection
10 Commission Personal Data Questionnaire Amendment
11 of The Honorable Alex Kinlaw, Jr., dated October
12 26th, 2015)

13 REPRESENTATIVE CLEMMONS: Judge, the
14 Judicial Merit Selection Commission has thoroughly reviewed
15 your qualifications for continuation on the -- on the
16 bench. That investigation and our inquiry has been focused
17 on the nine statutory evaluative criteria. And that
18 process has resulted in us being here today for this
19 screening.

20 During that process, we have received no
21 affidavits filed in opposition to your reelection, and
22 there are no witnesses outside of yourself here today to
23 testify.

24 With that clarification, we would ask that
25 you turn your attention to Mr. Maldonado, and respond to

1 his questions.

2 JUDGE KINLAW: Yes, sir.

3 REPRESENTATIVE CLEMMONS: Thank you.

4 MR. MALDONADO: Thank you, Mr. Chairman and
5 members of the Commission.

6 Judge Kinlaw, you have before you, your
7 sworn statement which provided detailed answers to over
8 thirty questions. Are there any additional amendments
9 you'd like to make to that sworn statement?

10 JUDGE KINLAW: None.

11 MR. MALDONADO: At this time, Mr. Chairman,
12 I'd ask that the judge -- Judge Kinlaw's sworn statement be
13 entered to as an exhibit into the hearing record.

14 REPRESENTATIVE CLEMMONS: Is there any
15 objection?

16 (No response.)

17 REPRESENTATIVE CLEMMONS: Hearing none, so
18 ordered.

19 (EXHIBIT NO. 50 - Judicial Merit Selection
20 Commission Sworn Statement of The Honorable Alex
21 Kinlaw, Jr., dated July 23rd, 2015)

22 EXAMINATION BY MR. MALDONADO:

23 **Q. Judge Kinlaw, can you explain to the Commission**
24 **why would you like to continue to be serve -- continue to**
25 **serve as a family court judge?**

1 A. Well, I've enjoyed the last seven years that I
2 have been a judge. And I think it's an excellent
3 opportunity for me to continue to focus on families and
4 resolving differences that families have on a day-to-day
5 basis. And I will say this: Since I've been on the bench,
6 I've sort of ventured out on a couple other things that
7 really kind of tie into what we're doing on the juvenile
8 side. I volunteer to be -- for the last three and a half
9 years, I am the juvenile drug court judge. And I took up
10 that because of the interest that I have in juveniles that
11 came before me in my role as family court judge. And I
12 have enjoyed that as well as just representing -- I mean,
13 being -- being the trial judge for families that come
14 before me.

15 **Q. Thank you. Judge Kinlaw, the Commission received**
16 **271 ballot box surveys regarding you, with 16 additional**
17 **comments. The ballot box survey, for example, contained**
18 **the following positive comments:**

19 **"An impressive, valued member of the judiciary,**
20 **and one of the state's best judges."**

21 **Two of the written comments expressed concerns,**
22 **however. One commentator stated that you were lazy, and at**
23 **times you avoid making decisions when prompt and direct**
24 **decisions are needed. What response would you offer to**
25 **this concern?**

1 A. Well, let me just say this -- and I'm glad you
2 asked me that. There are three things that are really
3 important to me. And let me just tell this committer what
4 they are: God, my family, and my reputation. In that
5 order. And the reason I say that is because when I heard
6 about that comment about being lazy -- and I brought some
7 information with me that I thought I needed to share with
8 this committee. I -- I'm in Greenville, which is the 13th
9 Judicial Circuit, and we have approximately five judges
10 there. And Greenville has the highest filings of any
11 circuit in this state.

12 As a matter of fact, to this day, we filed --
13 there has been 4,915 filings in the 13th Circuit, and 1,026
14 juvenile filings. We've had five judges. Now we have
15 four. And I would say to this committee that there is not
16 a lazy family court judge in this state. Everybody that
17 works in Greenville -- and Representative Bannister is from
18 Greenville. We're very busy there. Very, very busy.

19 And it was also important for me to contact
20 Michelle -- and let me tell you what Michelle does.
21 Michelle is the court administration, she is the young lady
22 that all of the judges send reports to every month, telling
23 her what matters are under advisement. I have brought my
24 reports -- I have never, since I have sat on the bench, had
25 any orders that were 30 days past due or -- of any kind.

1 Reports speak for themselves.

2 The last thing is, I've developed an idea that
3 when lawyers have cases they have agreements on -- and
4 since I practiced law, I know when you've got a big and you
5 got -- the parties got -- they have an agreement, you want
6 to get that on the record as soon as possible. So I
7 extended to lawyers -- not only in the 13th Circuit, but
8 all -- everywhere I go -- that if you've got a matter that
9 there's an agreement on, you can call me at any time and I
10 will make a -- I will fit you in, some kind of way, to make
11 sure you get your agreement approved. And that moves the
12 docket along. That moves the docket along.

13 And I have -- since I've been on the bench, I've
14 been in 18 counties since I've been here. I have enjoyed
15 working with all the clerks here. And maybe I'm just
16 talking about some other things that maybe you may ask me,
17 you may not. But one of the things that I've learned in
18 going into a lot of counties, a lot of clerks offices
19 operated differently.

20 And I just want to say this about the pro se
21 part, because that's a lot of what we do. It's becoming
22 more and more what we do as family court judges. And we're
23 trying to get a grip on it. Some clerks offices really
24 have a grip on it, and some don't. And that's the reality
25 of it. And I was in Jasper the other day -- and it all

1 just kind of shut that down. I was in Jasper County, I
2 think, about two or three months ago, and I was really
3 impressed with how the clerk's office handled pro se
4 litigants. And let me just tell you what they do.

5 So when you talk about moving cases along, and
6 judges working hard in what we do, I intend to implement
7 what I saw in Jasper, come next year. This is what it is:
8 Any pro se litigant that comes to court in Jasper County,
9 that pro se litigant meets 30 minutes ahead of time with
10 the clerk's office, they designate a person from the
11 clerk's office, examines all of the requisite documents
12 that we're required to look at -- affidavit service,
13 financial declaration, proof of hearing notice, those type
14 things.

15 That designated person in the clerk's office then
16 comes to the judge prior to the convening of the hearings
17 on that day, and says, "Judge, here are the matters that
18 you are going to hear today. These litigants have
19 everything in order. These are the matters that you won't
20 hear because we rescheduled these."

21 And what that does for people who practice -- for
22 lawyers as well as judges, they don't come in court and we
23 as judges got to continue the case. And then that's --
24 that's -- we're leaving the work for another judge to do.
25 So those matters won't come in, so we only hear the matters

1 that can be heard. And I thought it was just an exemplary
2 program that they had in Jasper. And I think it's
3 something that needs to be done in other circuits.

4 So this past year, not only have I served as a
5 juvenile drug court judge -- and this is following up on
6 the allegation of Judge Kinlaw being lazy -- not only have
7 I done that, I've mentored two magistrates under the
8 chief's -- the Supreme Court's mentoring program, that I
9 thought was -- was -- that was a good experience for them
10 as well me. So we move a lot of cases, so I was not only
11 disappointed by that remark, I felt insulted by that
12 remark. Because my reputation --

13 REPRESENTATIVE BANNISTER: Judge Kinlaw --

14 A. -- is what it is.

15 REPRESENTATIVE BANNISTER: If I can -- I
16 don't mean to interrupt you, 'cause you're on a roll. But
17 I'm telling y'all, we have a higher workload for our judges
18 in Greenville County, and we are one of the counties that's
19 remained above. And the Chief Justice has a benchmark of
20 80 percent. And Don Phillips, who is a very good friend of
21 mine and neighbor, went through heart issues -- ultimately
22 died trying to have a heart transplant -- he's been
23 basically a non-judge -- he was there, but I -- I love
24 y'all for covering for him, but he was not carrying his
25 full load. And these guys in Greenville were doubling down

1 on their dockets to make sure, number one, Don looked good
2 so he wouldn't have any trouble getting reelected. He did
3 survive the surgery; and two, just without complaint, to go
4 take his docket away from him if he didn't look good, which
5 was most of the time. So there was only one complaint and
6 there's 4,000 cases filed, and you've been on the bench how
7 long?

8 JUDGE KINLAW: Almost seven years.

9 REPRESENTATIVE BANNISTER: Seven years. I
10 appreciate -- I get it, you didn't like being called lazy,
11 'cause y'all do an incredible amount of work. But that's a
12 whole lot of people that have come through your courtroom,
13 to have one person talk about you is -- frankly, from some
14 of the other comments we've seen the last couple of days,
15 you should not be worried at all. And we're -- Greenville
16 County Family Court is carrying the load.

17 And just so this committee knows, when trial
18 judges come to Greenville, and they leave on Friday
19 afternoon at five o'clock, 'cause they've had 15-minute
20 hearings every 15 minutes for five days, they call court
21 administration, and say, "Please don't send me back. I
22 don't like all that work. I want to do something else."

23 So, Judge, I feel -- I hear you. But for
24 the extent the committee needs some additional reassurance,
25 I can give it to you.

1 SENATOR MALLOY: I thought he was
2 petitioning to the finance committee for a law clerk.

3 REPRESENTATIVE BANNISTER: Well, what I was
4 actually going to say is, if you're talking about finances
5 and the judges, you really don't pay enough. And family
6 court judges do more work per judge than any judge in the
7 country. And we keep -- I keep -- I believe we should be
8 increasing their pay. That's not for this committee, but
9 you brought it up.

10 SENATOR MALLOY: That's right.

11 REPRESENTATIVE BANNISTER: I'm telling
12 y'all, they're -- what y'all do, especially in Greenville,
13 you're underpaid for it.

14 REPRESENTATIVE CLEMMONS: Thank you.

15 REPRESENTATIVE BANNISTER: Did I interrupt?

16 REPRESENTATIVE CLEMMONS: Yes, you did. But
17 that's okay. All right. Thank you for the input.

18 I'd also point out, in addition to those
19 comments, we're talking about two negative ballot box
20 surveys. So please continue, Mr. Maldonado.

21 MR. MALDONADO: Thank you, Mr. Chairman.

22 EXAMINATION RESUMED BY MALDONADO:

23 **Q. Judge Kinlaw, in your amendment to your PDQ, you**
24 **described two lawsuits that were filed against you in**
25 **magistrate court. Can you briefly describe those?**

1 A. Well, the first one I think was back in 2004, I
2 believe it was. And that's when my wife and I purchased
3 our home that we're currently in. And there was some
4 repairs that needed to be done prior to our entry into the
5 house. And those funds were escrowed by the seller at that
6 time, And we were reluctant to release the funds until the
7 repairs were done to my -- to my wife's satisfaction, you
8 know. And my wife was in charge at that time, and she
9 thought that the person who did the work -- Mr. Reese, I
10 think that's the -- the plaintiff in that case -- he did
11 not do the work satisfactory, so she -- I'm not going to
12 say -- I'm married to her, so we -- we -- we didn't pay
13 him. And, finally --

14 REPRESENTATIVE BANNISTER: Hey, Judge, this
15 is on the record.

16 JUDGE KINLAW: I understand. I understand.

17 A. And she -- he finally came and he did probably
18 the work not to our greatest satisfaction, but I convinced
19 her that we needed to go ahead and allow the seller's
20 attorney to release the funds to him. So he was a little
21 anxious; he brought an action against me and my wife for
22 payment of those funds. And he finally was paid, after I
23 convinced her to kind of leave it alone.

24 And the second one, I think that was an
25 electrical company.

1 **Q. Savage Electric?**

2 A. Yeah. I needed a motion light put on the outside
3 of my house. And every time I went outside, the light
4 wouldn't work. And -- and I kept calling Savage Electrical
5 back, numerous time, to try to fix it. And he just said
6 that it worked when he was there, but it doesn't work when
7 I'm there. And so we kind of went back and forth.

8 And I -- I just told him, I said, "Well, you
9 really need to fix it before I can pay you."

10 And before I knew it, he went to magistrate's
11 court and filed suit. I wound up going to magistrate's
12 court, I dropped it, I paid him. And then I paid another
13 electrical company to actually get it done. So I wound up
14 paying twice to get it done. So I just didn't want to fool
15 with it. So that's what -- that's what that was about.

16 **Q. Thank you, Judge. To finish up with some**
17 **housekeeping issues. Judge, have you sought or received a**
18 **pledge of any legislator prior to this date?**

19 A. No.

20 **Q. Have you sought or have been offered a**
21 **conditional pledge of support of any legislator, pending**
22 **the outcome of this screening?**

23 A. No.

24 **Q. Have you asked any third parties to contact**
25 **members of the General Assembly on your behalf?**

1 A. No.

2 Q. Are you aware of anyone attempting to intervene
3 in any part of the process on your behalf?

4 A. No.

5 Q. Have you contacted any members of this
6 Commission?

7 A. No.

8 Q. Do you understand that you are prohibited from
9 seeking a pledge or a commitment until 48 hours after the
10 formal release of the Commission's report?

11 A. I am.

12 Q. Have you reviewed the Commission's guidelines on
13 pledging?

14 A. I have.

15 Q. As a follow-up, are you aware of the penalties
16 for violating the pledging rules --

17 A. I am.

18 Q. -- that is, it is a misdemeanor, and upon
19 conviction the violator must not be fined more than one
20 thousand dollars or imprisoned not more than 90 days?

21 A. Yes, sir.

22 MR. MALDONADO: I would note that the
23 Upstate Citizens Committee reported Judge Kinlaw as
24 qualified as to the Constitutional qualifications, physical
25 health and mental stability. He was found well qualified

1 as to the ethical fitness, professional and academic
2 ability, character, reputation, experience, and judicial
3 temperament.

4 I would note for the record that any
5 concerns raised were -- during the investigation regarding
6 the candidate were incorporated into the questioning of the
7 candidate today.

8 No further questions.

9 REPRESENTATIVE CLEMMONS: Thank you, Mr.
10 Maldonado. Do any Commission members have questions or
11 comments?

12 (No response.)

13 REPRESENTATIVE CLEMMONS: Hearing none,
14 Judge Kinlaw, thank you for all that you do. Thank you for
15 being here with us today. This -- that will conclude this
16 portion of our screening -- screening process. As you
17 know, the record will remain open until the report is
18 published. You could be called back at such time, if that
19 need should arise.

20 Again, we want to thank you for your service
21 on the bench.

22 JUDGE KINLAW: All right. Thank you. And I
23 hope all of you have a wonderful day.

24 REPRESENTATIVE CLEMMONS: Thank you, sir.

25 (Candidate excused.)

1 REPRESENTATIVE CLEMMONS: Judge Vinson,
2 thank you for joining us today.

3 JUDGE VINSON: It's my pleasure to be here.

4 REPRESENTATIVE CLEMMONS: We have before us
5 The Honorable Jerry Deese Vinson, Jr., of the Family Court,
6 12th Judicial Circuit, Seat 3.

7 Judge Vinson, would you please raise your
8 right hand and be sworn.

9 WHEREUPON:

10 THE HONORABLE JERRY DEESE VINSON, JR., being
11 duly sworn and cautioned to speak the truth, the whole
12 truth and nothing but the truth, testifies as follows:

13 REPRESENTATIVE CLEMMONS: Judge, you may
14 recall that early in this process we sent you a personal
15 data questionnaire, which you responded to promptly. Since
16 you prepared that, and any amendments that you may have
17 prepare since that time, is that personal data
18 questionnaire current in its present form, and correct --

19 JUDGE VINSON: Yes.

20 REPRESENTATIVE CLEMMONS: -- or is it in
21 need of any changes?

22 JUDGE VINSON: Yes, it is.

23 REPRESENTATIVE CLEMMONS: It is correct?

24 JUDGE VINSON: It is correct.

25 REPRESENTATIVE CLEMMONS: Do you have any

1 objection to it being entered as a part of the record of
2 your sworn testimony today?

3 JUDGE VINSON: I'd be happy to have it.

4 REPRESENTATIVE CLEMMONS: Thank you. Is
5 there any objection by any member?

6 (No response.)

7 REPRESENTATIVE CLEMMONS: Hearing none, it
8 is so ordered.

9 (EXHIBIT NO. 51 - Judicial Merit Selection
10 Commission Personal Data Questionnaire of The
11 Honorable Jerry Deese Vinson, Jr., dated July
12 23rd, 2015)

13 REPRESENTATIVE CLEMMONS: Judge, the
14 Judicial Merit Selection Commission has thoroughly
15 investigated your qualifications for continuation on the
16 bench. Our inquiry has focused on the nine evaluative
17 criteria dictated by law in South Carolina. As a result of
18 that evaluation, we are -- we find ourselves here today,
19 with you before us. And we thank you for appearing.

20 There have been no affidavits received in
21 opposition to your reelection, and there are not witnesses
22 present to testify other than yourself.

23 With that introduction, we'll turn the time
24 over to your screening attorney. We would ask that you
25 respond to his questions.

1 JUDGE VINSON: Yes, sir.

2 MR. DAVIDSON: Thank you, Mr. Chairman.
3 Judge Vinson, you should have before you, the sworn
4 statement you provided to the Commission.

5 JUDGE VINSON: I do.

6 MR. DAVIDSON: Are there any amendments
7 you'd like to make at this time?

8 JUDGE VINSON: No.

9 MR. DAVIDSON: Mr. Chairman, I'd like to ask
10 that Judge Vinson's sworn statement be entered as an
11 exhibit.

12 REPRESENTATIVE CLEMMONS: Is there any
13 objection?

14 (No response.)

15 REPRESENTATIVE CLEMMONS: Hearing none, so
16 ordered.

17 (EXHIBIT NO. 52 - Judicial Merit Selection
18 Commission Sworn Statement of The Honorable Jerry
19 Deese Vinson, Jr., dated July 23rd, 2015)

20 EXAMINATION BY MR. DAVIDSON:

21 **Q. Judge Vinson, after serving as a family court**
22 **judge for nearly 12 yours, why would you like to continue**
23 **to serve as a judge?**

24 A. Well, it is indeed a privilege and a pleasure to
25 serve as a judge in this state. I can tell you that I love

1 my job, I love what I do, and thoroughly enjoy it. And I'm
2 happy to have the opportunity to do this job. It's a --
3 it's a great job.

4 Q. Thank you, judge. The Commission received 301
5 ballot box surveys regarding your candidacy, with 20
6 additional comments. The ballot box survey, for example,
7 contained the following positive comments:

8 "Always treated with respect and professionalism
9 when appearing in his courtroom. Fair, kind, always
10 reasonable. A real delight to appear in front of. One of
11 the most compassionate and thoughtful judges I've ever
12 appeared before. Treats all who appear before him with
13 respect and courtesy."

14 However, one of the written comments expressed a
15 concern regarding demeanor and temperament, using a term --
16 using the term "robe-itis." Is there any response you'd
17 have for the Commission?

18 A. When I first heard that a couple weeks ago when I
19 met with the screening attorney, I said I think I'd rather
20 him call me stupid than tell me I had robe-itis. That to
21 me is a very offensive thing. When I -- when I decided I
22 want to -- I wanted to run for this job, I promised myself
23 that I would treat people the way that I wanted to be
24 treated, whether they were litigants or lawyers. I'm very
25 cautious about how I talk to the litigants in the

1 courtroom. I'm very cautious about how I talk to the
2 lawyers.

3 If I have a problem with something the lawyers
4 are doing, I think they're making a mistake, or they have
5 done something that is somehow offensive to the court or --
6 then I don't talk to them in the courtroom, I usually take
7 them outside of the courtroom and not talk to them in front
8 of the clients. Because I've always found that if a client
9 hears a lawyer being criticized by the judge directly, then
10 they lose confidence in their lawyers. And that causes
11 problems in that attorney-client relationship and the
12 ability to carry that case forward.

13 So I'm very cautious about how I treat people.
14 So I hope that, that is someone -- maybe was unhappy with
15 me for some reason. But I'm -- that's my -- been my
16 feeling at "robe-itis."

17 **Q. Thank you for your response. I just have a few**
18 **quick questions --**

19 A. Sure.

20 **Q. -- to ask. Have you sought or received the**
21 **pledge of any legislator prior to this date?**

22 A. I have not.

23 **Q. Have you sought or have you been offered a**
24 **conditional pledge of support of any legislator, pending**
25 **the outcome of your screening?**

1 A. I have not.

2 Q. Have you asked any third parties to contact
3 members of the General Assembly on your behalf?

4 A. I have not.

5 Q. Are you aware of any attempting to intervene in
6 part of this process on your behalf?

7 A. I am not.

8 Q. Have you contacted any members of this
9 Commission?

10 A. I have not.

11 Q. Do you understand that you are prohibited from
12 seeking a pledge or commitment until 48 hours after the
13 formal release of the Commission's report?

14 A. I do understand that.

15 Q. Have you reviewed the Commission's guidelines on
16 pledging?

17 A. I have.

18 Q. As a follow-up, are you aware of the penalties
19 for violating the pledging rules; that is, it is a
20 misdemeanor, and upon conviction the violator must be fined
21 not more than one thousand dollars or imprisoned for not
22 more than 90 days?

23 A. I most certainly understand that.

24 Q. Thank you.

25 MR. DAVIDSON: The Pee Dee Citizens

1 Committee reported that Judge Vinson is qualified in the
2 criteria of Constitutional qualifications, physical health,
3 and mental stability; they found him well qualified in the
4 remaining criteria. Any concerns raised during the
5 investigation regarding this candidate, were incorporated
6 into my questioning today.

7 Mr. Chairman, I have no further questions.
8 Thank you, Judge.

9 REPRESENTATIVE CLEMMONS: Thank you very
10 much. Senator Malloy is recognized.

11 SENATOR MALLOY: Very briefly, Mr. Chairman.
12 Judge Vinson is my neck of the woods. The negative comment
13 could be nothing further from the truth. He's a very
14 excellent judge. He has a lot experience in the family
15 court, and one of the individuals that has dedicated his
16 life to being in family court prior to working with DSS,
17 did private cases, and dedicated himself to public service.

18 And I would say I've been in front of him
19 before, and I've seen how he treats litigants, even when
20 litigants are not acting in accordance with the way that
21 they should. We had one situation in court, and he -- he
22 was very calm in handling that matter very judicially.

23 And so I just want to say that he treats
24 litigants and lawyers very kindly in the -- in the
25 courtroom. And there's no doubt that any time anybody goes

1 into his courtroom, he's the most versed person in family
2 law of anybody in the -- in the courtroom

3 JUDGE VINSON: You're very kind. Thank you,
4 Senator.

5 REPRESENTATIVE CLEMMONS: Thank you, Senator
6 Malloy.

7 REPRESENTATIVE BANNISTER: Just one quick
8 comment.

9 REPRESENTATIVE CLEMMONS: Representative
10 Bannister is recognized.

11 REPRESENTATIVE BANNISTER: I had the
12 pleasure of serving on the Bench Bar Committee with Judge
13 Vinson as well, and just -- his engagement in the
14 betterment of the court outside of his job is also
15 commendable. And the amount of time you spend that's
16 yours, that you wouldn't have to, to make it better for
17 everybody is commendable. And I appreciate that and the
18 work that you're doing, above and beyond just what we ask
19 you to do, serving in the court.

20 JUDGE VINSON: Thank you. I appreciate
21 that. And I think the judicial canons are more than
22 suggestive about that, that we have an obligation to do
23 more than just appear in court; we have an obligation to
24 improve the court system.

25 REPRESENTATIVE CLEMMONS: Thank you very

1 much. Any other questions or comments?

2 (No response.)

3 REPRESENTATIVE CLEMMONS: And I'll just
4 point out, that Senator Malloy has been asking the
5 candidates for open seats who they most look up to in terms
6 of example of the kind of judge they want to be, and your
7 name came up yesterday.

8 JUDGE VINSON: Thanks.

9 REPRESENTATIVE CLEMMONS: Senator Martin --
10 excuse me, Senator Martin -- and I was looking forward to
11 meeting you so I could share that with you.

12 JUDGE VINSON: Thank you. Thank you. It's
13 very flattering.

14 REPRESENTATIVE CLEMMONS: Thank you.

15 SENATOR MALLOY: And he's married to Flo.

16 JUDGE VINSON: The most important thing.

17 REPRESENTATIVE CLEMMONS: That's right.

18 SENATOR MALLOY: A lot of public service.

19 REPRESENTATIVE CLEMMONS: Are there any
20 other questions?

21 (No response.)

22 REPRESENTATIVE CLEMMONS: Hearing none,
23 Judge Vinson, we appreciate you being with us today. This
24 will conclude this portion of the screening process. As
25 you know, the record will remain open until the report is

1 published. You may be called back at such time, if that
2 need should arise.

3 Again, we thank you for your service to the
4 State of South Carolina, by serving on the family court
5 bench. Thank you for being with us.

6 JUDGE VINSON: Thank you. It's my pleasure.

7 (Candidate excused.)

8 REPRESENTATIVE CLEMMONS: It's a pleasure to
9 have you here with us. We have before us The Honorable
10 Walter H. Sanders, Jr., Master-in-Equity for Allendale
11 County, 14th Circuit. Judge, early in this process we
12 provided you with a personal data questionnaire, which you
13 responded to thoroughly. We would ask whether that
14 response is current and correct today, or is it in need of
15 any amendment?

16 JUDGE SANDERS: It is current and correct.

17 REPRESENTATIVE CLEMMONS: Thank you, Judge.
18 Would you have any objection to that -- your responses to
19 that personal data questionnaire being included as a part
20 of the record of your sworn testimony today?

21 JUDGE SANDERS: I would not.

22 REPRESENTATIVE CLEMMONS: Thank you. Are
23 there any objections by Commission members?

24 (No response.)

25 REPRESENTATIVE CLEMMONS: Without objection,

1 it's so ordered.

2 (EXHIBIT NO. 53 - Judicial Merit Selection
3 Commission Personal Data Questionnaire of The
4 Honorable Walter H. Sanders, Jr. dated August
5 4th, 2015)

6 REPRESENTATIVE CLEMMONS: Judge, the
7 Judicial Merit Selection Commission has -- Judge, if you
8 would raise your right hand and be sworn.

9 WHEREUPON:

10 THE HONORABLE WALTER H. SANDERS, JR., being
11 duly sworn and cautioned to speak the truth, the whole
12 truth and nothing but the truth, testifies as follows:

13 REPRESENTATIVE CLEMMONS: With regard to the
14 responses you gave to me regarding the personal data
15 questionnaire, are those correct? Would you please affirm
16 that those are correct?

17 JUDGE SANDERS: They are correct.

18 REPRESENTATIVE CLEMMONS: Thank you. The
19 Judicial Merit Selection Commission has thoroughly
20 investigated your qualifications for the bench. Our
21 inquiry has focused on the statutory evaluative criteria,
22 the nine evaluative criteria. And as a result of that
23 process, the Commission has received one affidavit filed in
24 opposition to your election. There are no witnesses -- I'm
25 sorry, there is one witness present to testify.

1 With that, will you please turn your
2 attention to your screening attorney, and respond to any
3 questions he may have.

4 MR. GOLDIN: Judge Sanders, you have before
5 you, your sworn statement that you provided, with detailed
6 answers to over thirty questions regarding judicial
7 conduct, statutory qualifications, office administration,
8 and temperament. Are there any amendments you would like
9 to make at this time to that statement?

10 JUDGE SANDERS: There are none.

11 MR. GOLDIN: Thank you. At this time, Mr.
12 Chairman, I would like to ask that Judge Sanders sworn
13 statement be entered in as an exhibit into the hearing
14 record.

15 REPRESENTATIVE CLEMMONS: Is there any
16 objection?

17 (No response.)

18 REPRESENTATIVE CLEMMONS: Hearing none, so
19 ordered.

20 (EXHIBIT NO. 54 - Judicial Merit Selection
21 Commission Sworn Statement of The Honorable
22 Walter H. Sanders, Jr. dated August 4th, 2015)

23 EXAMINATION BY MR. GOLDIN:

24 **Q. Judge Sanders, why do you now want to continue to**
25 **serve as a Master-in-Equity?**

1 A. Well, I enjoy doing it. Of course, with it being
2 Allendale, being a small county, it's very part-time. I've
3 actually been the Master-in-Equity since 1992. But I enjoy
4 doing it, and somebody needs to do it. We don't have a
5 whole bunch of lawyers in Allendale, but I enjoy doing it.

6 **Q. Thank you. Judge Sanders, we received 110 ballot**
7 **box surveys regarding you, with five additional comments.**
8 **The majority of those were positive, and they complemented**
9 **your abilities as being an experienced attorney and an**
10 **experienced Master.**

11 One negative comment was -- was provided in
12 those, and it indicated that you let your private practice
13 interfere with your duties as a Master-in-Equity. What
14 response would you give to this concern?

15 A. Well, when you first told me that, that was --
16 that negative response, I really couldn't understand, you
17 know, the nature of it. But after thinking about it, the
18 only thing I can assume is that, you know, Allendale County
19 is -- we've only got ten thousand people. I was raised
20 there, went to school there, I know everybody there. I've
21 been practicing law there for over 35 years. And I have to
22 recuse myself, probably more than I should, because of
23 conflicts. So that could be the basis of that comment.

24 **Q. Thank you, Judge. Judge Sanders, as the Chairman**
25 **indicated, that we have received one complaint against you,**

1 **filed by Mr. Mark Morris.**

2 MR. GOLDIN: Mr. Chairman, I would -- I
3 would suggest that the Commission go ahead and handle that
4 at this time.

5 REPRESENTATIVE CLEMMONS: Yes, please.
6 Judge, if you would -- we would excuse you, momentarily.
7 If you would like to find a seat in the back, we will bring
8 the witness forward. Or you could sit --

9 SENATOR MALLOY: Mr. Chair, if we would let
10 him stay here so he can look at the person that's making
11 the complaint against him.

12 JUDGE SANDERS: I've never met him before.

13 SENATOR MALLOY: Well, you'll get a chance
14 now. If you'll go over there and sit down.

15 REPRESENTATIVE CLEMMONS: Yeah, have a seat
16 on one of the black chairs, Judge. The Commission would
17 call Mark Morris to the stand.

18 Good afternoon, Mr. Morris.

19 MR. MORRIS: Good afternoon.

20 REPRESENTATIVE CLEMMONS: If you would,
21 please, raise your right hand and be sworn.

22 WHEREUPON:

23 MARK MORRIS, being duly sworn and cautioned
24 to speak the truth, the whole truth and nothing but the
25 truth, testifies as follows:

1 EXAMINATION BY REPRESENTATIVE CLEMMONS:

2 Q. You have filed a complaint with the Commission,
3 with regard to the reelection of Judge Sanders.

4 A. Right. Well, not reelection, but the ethics
5 violation.

6 Q. Okay. You understand that the purpose for this
7 gathering is to determine whether or not Judge Sanders is
8 qualified to continue to serve on the bench.

9 A. Right. Yes, sir.

10 Q. This really is not a forum within which to
11 challenge the ethics. That will be a --

12 A. No. No, sir. It's -- it's a -- I realize that
13 it's y'all's duty to -- to do that. I just made the
14 complaint because he filed a lawsuit against my late wife,
15 after she passed away. And she was a client of his before.
16 And he sent me a letter back, saying that he would recuse
17 his self. And I didn't hear anything else. And then I got
18 further correspondence that he was going to be a witness to
19 testify at the hearing.

20 And I sent him a letter, and he did not respond
21 to that letter. And that's when I contacted y'all's office.
22 Because to my opinion, he should have never involved his
23 self in this matter at all. Because he was her attorney on
24 that case, and a case beforehand.

25 REPRESENTATIVE CLEMMONS: And, Members, the

1 complaint itself is on your computer in the "Complaints"
2 file.

3 SENATOR MARTIN: Mr. Chairman?

4 REPRESENTATIVE CLEMMONS: Senator Martin is
5 recognized.

6 SENATOR MARTIN: Could I ask the Council if
7 he informed you that he filed a complaint with the Office
8 of Disciplinary Council?

9 MR. GOLDIN: That's correct.

10 SENATOR MARTIN: And they rendered an
11 opinion on it?

12 MR. GOLDIN: No, sir. It's still -- it's
13 still open.

14 SENATOR MARTIN: Do you know when the
15 complaint was filed?

16 MR. GOLDIN: I do not.

17 SENATOR MARTIN: Do you remember when you
18 filed --

19 MR. MORRIS: I filed before -- before I
20 filed one with y'all?

21 SENATOR MARTIN: Yeah. Do you remember
22 when?

23 MR. MORRIS: It was filed -- I don't have it
24 with me. Maybe I have something here.

25 MR. GOLDIN: And Judge Sanders might.

1 MR. MORRIS: It would have been right after
2 -- around the 12th of the fifth month. 'Cause this is the
3 letter that I sent him and to -- to the Judiciary
4 Committee, everything else involved.

5 SENATOR MARTIN: You filed it this year?

6 REPRESENTATIVE CLEMMONS: May 12th of this
7 year?

8 MR. MORRIS: Yes, of 2015. Yes, sir.

9 REPRESENTATIVE CLEMMONS: Senator or the
10 staff has some questions.

11 SENATOR MARTIN: Yes, please.

12 MR. GOLDIN: And Senator and members of the
13 Commission, I do want to point out I think Judge Sanders
14 said that he is a part-time Master-in-Equity, so that's why
15 this does result from his private practice; It's not part
16 of his duties as a Master.

17 EXAMINATION BY MR. GOLDIN:

18 **Q. Mr. Morris, were you represented by Judge Sanders**
19 **in the purchase of this piece of property?**

20 A. No, my wife was.

21 **Q. And when did -- when did Judge Sanders file this?**

22 A. The complaint? The statement --

23 **Q. The credit or claim that --**

24 A. He filed it on 4/22/15.

25 **Q. And that was after your wife's death?**

1 A. Yes, sir. On March the 7th, 2015.

2 Q. Okay. Do you have anything else that you'd like
3 to offer to the Commission?

4 A. No. But I would just like for him to be more
5 careful in doing these things. I mean, it can cause a lot
6 of damage to people. It caused a lot of damage to me.

7 Q. Thank you.

8 MR. GOLDIN: Mr. Chairman, I don't have
9 anything else.

10 REPRESENTATIVE CLEMMONS: Thank you, sir.
11 Do you have anything else further you'd like to share with
12 the Commission?

13 MR. MORRIS: No, sir.

14 REPRESENTATIVE CLEMMONS: We appreciate --

15 MR. MORRIS: Like I said, he -- he recused
16 his self, and I heard no more from him. And the only
17 reason I sent y'all a complaint was because when I sent him
18 the letter about a witness that -- with him supposedly
19 being a witness, I never heard nothing else from him. And
20 I just...

21 REPRESENTATIVE CLEMMONS: Thank you. If
22 you'll bear with us there for just one moment longer, in
23 case any Commission member has a question for you. Dean
24 Wilcox?

25 MR. WILCOX: Thank you, Mr. Chairman.

1 EXAMINATION BY MR. WILCOX:

2 Q. If I -- I'm just trying to clarify exactly when
3 Mr. Sanders -- Judge Sanders represented your wife, that
4 was in connection with her acquiring this property and
5 issuing a mortgage to the lender; is that correct?

6 A. To the owner, yes, sir.

7 Q. And was that the mortgage that was being -- the
8 same mortgage being foreclosed on?

9 A. No, it was not being foreclosed on.

10 Q. The later action, then, where he was involved
11 against your wife, after her death, what did that involve?

12 A. Well, that's a long, complicated story there.

13 The --

14 Q. Can you give me the quick version of it?

15 A. The land was put in my wife and her cousin's
16 name. The mobile home was sold to me and my wife over a
17 period of years, in monthly payments. And we gave a ten
18 thousand dollar check pay for the mobile home. The owner
19 signed the mobile home title over to my wife, free and
20 clear. No liens. There's not a lien nowhere in the whole
21 highway department -- Department of Motor Vehicles in South
22 Carolina. So when my wife passed away, I tried to make
23 arrangements with them to make the monthly payments, just
24 like my wife was doing, to uphold her end of the agreement
25 and deal. They refused to do so, so I was -- after she

1 passed away, the mobile home become mine as personal
2 property. So I was going to move it off of their property.
3 It was not going to be -- be in there.

4 **Q. But they were then suing because of the money**
5 **that was allegedly still owed to them from her purchase of**
6 **the --**

7 A. For the mobile home.

8 **Q. Of the mobile home.**

9 A. The claim was on -- they tried to file a claim
10 that they had a lien on the mobile home.

11 **Q. Did Judge Sanders represent her in connection**
12 **with the acquisition of the mobile home, or just the land?**
13 **Do you know?**

14 A. I've seen his name nowhere on the mobile home.
15 On the back of the title, he signed as a witness down here.

16 **Q. Okay.**

17 A. His signature is noted -- I assume that's his. I
18 can't really read this writing or this print. You can ask
19 him, if you want to. That's the onliest [sic] thing I can
20 -- I assume that's his signature and his initials.

21 **Q. But I'll tell you what I'm just trying to**
22 **clarify, whether or not he represented your wife in -- with**
23 **regard to the same transaction that was later the subject**
24 **of the lawsuit.**

25 A. Yes, sir. Yes, sir.

1 **Q. Okay.**

2 A. Paid him a thousand dollars. And that was --
3 that money was left over from a case that we were trying to
4 buy a piece of property in Brunson, South Carolina. And
5 Allendale County Bank went bankrupt, something happened
6 with them -- a man and wife died and something happened
7 with that piece of property. So then we went into this
8 one, and he's used the money from that one for this one to
9 pay for it.

10 **Q. And after you contacted him and advised him that**
11 **he had previously represented your wife in this, there was**
12 **an indication that he -- from him to you, that he would not**
13 **continue to --**

14 A. Yes, sir, he did. He sent me -- yes, sir. No, I
15 had no problems after that.

16 **Q. That he would recuse himself.**

17 A. Yeah.

18 **Q. Okay. And to your knowledge, he -- he appears as**
19 **a witness, you say, later.**

20 A. Right.

21 **Q. Does he appear as a lawyer in that matter, later?**

22 A. No, he was put on --

23 **Q. -- a witness list. Okay.**

24 A. Yeah.

25 **Q. But not as a lawyer, but as a witness.**

1 A. Right.

2 Q. Okay. And the best you know, he was -- he did at
3 least honor his commitment not to be the lawyer --

4 A. Right. Yes, sir.

5 Q. -- in that -- okay.

6 A. He did. And that's what I said, I -- I --

7 Q. I just want to make sure.

8 A. -- he sent me a letter, and he did. And I sent
9 him a letter concerning the witness -- the witness part.
10 And he didn't respond to me, so I -- that's when I decided
11 to make the complaint to y'all of him. All he had to do
12 was respond to that and tell me he wasn't going to do it.

13 MR. WILCOX: Thank you, Mr. Chairman.

14 REPRESENTATIVE CLEMMONS: Thank you, Dean
15 Wilcox. Are there other questions by Commission members?

16 SENATOR MALLOY: Just briefly.

17 REPRESENTATIVE CLEMMONS: Senator Malloy is
18 recognized.

19 EXAMINATION BY SENATOR MALLOY:

20 Q. How you doing, Mr. Morris?

21 A. Pretty good. How you doing?

22 Q. Doing pretty good. I'm Gerald Malloy from
23 Darlington County. Mr. Morris, are you trying to stop
24 Judge Sanders from becoming a judge today?

25 A. No, I have no desire to do that. No.

1 Q. And were you aware that this process is a process
2 that we have, that we -- he's got over a hundred-and-some-
3 odd ballot responses that came back from lawyers and folks
4 in his area and community, and only one -- one negative
5 comment came out of that 110 ballot responses? Were you
6 aware of that?

7 A. No, sir. I'm not aware of that.

8 Q. And so is this the first time you've ever seen
9 him today?

10 A. I might have seen him in town or something.

11 Q. But you-guys have never had a face-to-face.

12 A. No.

13 Q. Okay. All right. And I appreciate you
14 exercising your opportunity to get a chance to do that.
15 I'm my view, I think that this -- this is a matter that --
16 that probably is a little bit of a lack of communication.
17 But they'll handle it over at the Disciplinary Council.

18 A. Right. Another concern I have is how many people
19 has he done this to, that didn't know they had the right to
20 --

21 Q. Do you know any of them?

22 A. No. No, I --

23 Q. Okay. Well, we can't -- we can't take -- yeah,
24 we can't take that up if we don't know who it is.

25 A. I ain't bringing none of that up.

1 Q. But thank you for taking your time and driving
2 down today. That's part of the process; you exercised your
3 right.

4 A. I am not trying to stop him from being a judge;
5 that was not my intention at all.

6 Q. Okay. Well, our job is to see -- make sure that
7 he's -- that he's fit to end up being a --

8 A. Right.

9 Q. -- Master-in-Equity.

10 A. Well, if that's what it is, y'all can proceed.

11 Q. Okay. All right. Thank you.

12 REPRESENTATIVE CLEMMONS: Thank you, Senator
13 Malloy. Are there any other questions?

14 (No response.)

15 REPRESENTATIVE CLEMMONS: Mr. Morris, we
16 want to thank you for coming before the -- our panel today,
17 our Commission today, to provide the information that
18 you've provided. My view is much like Senator Malloy's. I
19 think your complaints -- the best place for those
20 complaints are probably with the Office of Disciplinary
21 Council, to ferret through the issues and figure it out.
22 We do appreciate your input. And it will be entered into
23 the record for our consideration.

24 MR. MORRIS: Okay.

25 REPRESENTATIVE CLEMMONS: And let me ask you

1 before you sit down, is there anything else further you
2 would like to add about this matter?

3 MR. MORRIS: No, sir.

4 REPRESENTATIVE BANNISTER: Ms. Wall has a
5 question for you.

6 MS. WALL: Mr. Chairman, I would like to
7 simply ask that the witness continue to be here until we
8 complete our -- in case we have another question for him.
9 If he'll not just leave, just sit in the back.

10 REPRESENTATIVE CLEMMONS: Please. Thank
11 you.

12 MS. WALL: Thank you.

13 REPRESENTATIVE CLEMMONS: All right. Judge,
14 if you would please re-take the stand. Judge, would you
15 care to respond to the --

16 JUDGE SANDERS: Do I need to respond?

17 REPRESENTATIVE CLEMMONS: Yes, sir.

18 JUDGE SANDERS: Okay. Well, I did represent
19 his wife, his estranged wife -- I didn't even know that he
20 existed -- and her nephew in the purchase of a -- some real
21 estate and a mobile home from a gentleman. He actually
22 sold the -- he sold a piece of property for \$40,000. And
23 they paid \$10,000 down, and he financed thirty thousand of
24 it, and there was supposed to be a -- well, there was a
25 mortgage. We did not have the title at that time. And on

1 the title was supposed to be the lien to Mr. Key, who was
2 the seller, and the name of the nephew on the title.

3 After she passed away, it came to light that
4 somehow the title was just in her name and not the nephew's
5 name, also, or a lien of it. But that's all come to light
6 after the fact. And I did actually assist Mr. Key in
7 filing a claim against her estate for the debt, which was
8 something less than twenty thousand. And immediately when
9 he wrote a letter requesting that I recuse myself, because
10 I had, you know, done work for his deceased wife, I
11 immediately notified him that I was recusing myself. And I
12 sent a letter to the probate judge and she removed my name
13 from the record. And I've actually had nothing else to do
14 with that case since that time.

15 Now, where he got me being a witness was,
16 when he sent interrogatories to Mr. Key, who was the person
17 who sold the property, he listed me as a witness. But Mr.
18 Key has never asked me to be a witness, and I've never
19 considered to be a witness. And I've never been subpoenaed
20 to be a witness. I think they actually had a hearing this
21 week concerning something in the case, but I have not had
22 any involvement since I recused myself.

23 REPRESENTATIVE CLEMMONS: Judge, were you
24 representing the seller and the buyers in the transaction?

25 JUDGE SANDERS: The sellers and the buyers.

1 REPRESENTATIVE CLEMMONS: And then you
2 represented the seller in a claim against the estate --

3 JUDGE SANDERS: Right. The seller and one
4 of the buyers in a -- basically. Because the buyer who did
5 not -- who's name was not on the title, you know.

6 REPRESENTATIVE CLEMMONS: Do you perceive
7 that as a conflict of interest?

8 JUDGE SANDERS: Well, in retrospect? Yes.
9 Yes. Of course, he made a complaint to the disciplinary
10 council. And, you know, they're investigating that. Well,
11 it's -- I wouldn't -- I wouldn't do it again, put it -- put
12 it that way. And it probably is a conflict. But, you
13 know, it's a close question whether or not an estate is the
14 person and if it was -- you know, if it falls under that
15 rule of how you treat former clients. But I would say, in
16 retrospect, I shouldn't have done it.

17 REPRESENTATIVE CLEMMONS: And do we have the
18 notice from the Office of Disciplinary Council that it's a
19 matter under investigation?

20 MR. GOLDIN: Mr. Morris has testified and
21 produced that.

22 REPRESENTATIVE CLEMMONS: Any other
23 questions? Dean Wilcox?

24 EXAMINATION BY MR. WILCOX:

25 **Q. Not so much about what has happened, but do you**

1 **have in place a system to identify conflicts as probate**
2 **judge and as a lawyer in situations?**

3 A. Yes. I mean, I --

4 **Q. Are you concerned about the adequacy in light of**
5 **this one getting through?**

6 A. I mean, I knew I had represented -- I mean, I --
7 you know, when I did it, I was not thinking there was a
8 conflict, because it -- it was her estate.

9 **Q. It was the estate that --**

10 A. Right. Which I do -- you know, we -- and we do
11 conflicts checks all the time. When people are referring
12 cases, you know, to my office, they'll check and see if I
13 have a conflict.

14 **Q. And do you do a conflict check for matters in**
15 **which you were acting as judge, to be sure that it is not a**
16 **client in some manner?**

17 A. Yes. Yes, sir.

18 **Q. So you run both the -- both things through your**
19 **conflicts system.**

20 A. And most of the time, when those cases are
21 referred to the Master, before the attorney will refer it,
22 they'll check with my office to see if there's a previous
23 conflict.

24 MR. WILCOX: Thank you, Mr. Chairman.

25 REPRESENTATIVE CLEMMONS: Thank you, Dean

1 Wilcox. Any other questions? Yes.

2 MS. WALL: I would like to just follow-up on
3 that.

4 EXAMINATION BY MS. WALL:

5 Q. Again, let me kind of re-ask the question. In
6 light of this, and particularly since what I'm hearing is
7 lawyers will contact your office to see if there is a
8 conflict --

9 A. Right.

10 Q. -- do you think that your office system of
11 checking conflicts is adequate?

12 A. Yes.

13 Q. Okay. And so here -- 'cause my initial question
14 was, "How did you miss the fact that she was your client?"
15 But as I'm understanding your testimony, there was never
16 any question in your mind that you didn't --

17 A. I didn't --

18 Q. -- you didn't miss that she was your client, you
19 had differentiated the woman as an individual client from
20 her estate.

21 A. And what I told the Disciplinary Council was that
22 as soon as he sent the letter, I recused myself in case my
23 interpretation of this was wrong.

24 REPRESENTATIVE CLEMMONS: Thank you, Ms.
25 Wall.

1 MS. WALL: Thank you.

2 REPRESENTATIVE CLEMMONS: Are there any
3 other questions?

4 SENATOR MALLOY: Mr. Chair -- Mr. Chair, I
5 have a couple questions, not related to this, I want to ask
6 him about --

7 REPRESENTATIVE CLEMMONS: Well, let's
8 finish. We're going to give Mr. Morris an opportunity to
9 respond to this. Judge, if you would please relinquish
10 they stand and take a seat. And, Mr. Morris, we'd ask that
11 you come back forward, please, to give you an opportunity
12 to respond to what you just heard. If you'd care to
13 respond to any of those points by the judge.

14 MR. MORRIS: Yeah. (To Judge Sanders) I
15 just want to -- why do you call her my estranged wife?

16 SENATOR MALLOY: You can't --

17 REPRESENTATIVE CLEMMONS: No. Sir, you need
18 to direct your questions to us.

19 MR. MORRIS: Okay. Well, why did he call my
20 wife "estranged," and not "divorced" or "separated" or
21 anything? There's a big difference in that.

22 JUDGE SANDERS: (To the witness) Y'all
23 didn't live together.

24 REPRESENTATIVE CLEMMONS: We really can't
25 engage in exchange, back and forth.

1 JUDGE SANDERS: Right.

2 REPRESENTATIVE CLEMMONS: We really -- we do
3 not have an answer to your question, sir.

4 MR. MORRIS: We lived together. We most
5 certainly lived together. I have a letter where she wrote
6 me, thanking me for being there and holding up my vow to
7 God and everything in taking care of her while she was sick
8 for the last ten years. And he shouldn't have said that.
9 That was wrong for him to say that.

10 REPRESENTATIVE CLEMMONS: Thank you, Mr.
11 Morris. And our condolences to you on the loss of your
12 wife.

13 MR. MORRIS: I appreciate it. But he
14 shouldn't have said that. He has no earthly idea of what -
15 -

16 REPRESENTATIVE CLEMMONS: Yes, sir.

17 MR. MORRIS: -- of what our life was.

18 REPRESENTATIVE CLEMMONS: With regard to the
19 thing -- the matters that he stated, that go directly to
20 your complaint against him, do you have any response to
21 that?

22 MR. MORRIS: No, sir. Like I said, he sent
23 me a letter, immediately, recusing his self. And the only
24 reason I pursued it was because I got that information of
25 the witness, and I sent him a letter and he did not respond

1 to that second letter. So I figured I needed to move
2 forward. Other than that, I have nothing personally. I
3 don't even know him, other than talk and hearsay. And I
4 don't associate with that at all.

5 SENATOR MARTIN: Mr. Chairman?

6 REPRESENTATIVE CLEMMONS: Senator Martin is
7 recognized.

8 SENATOR MARTIN: Could I ask you a question?

9 MR. MORRIS: Yes, sir.

10 SENATOR MARTIN: You said he didn't respond
11 to the second letter. Are you suggesting that if he had
12 responded, you wouldn't have filed a complaint?

13 MR. MORRIS: Probably not. Because he would
14 have let me know that he was upholding his recusal. I
15 mean, how was I supposed to know he wasn't --

16 SENATOR MARTIN: So it was the failure to
17 respond to that second letter --

18 MR. MORRIS: Sir?

19 SENATOR MARTIN: It was the failure to
20 respond to the second letter that sort of instigated --

21 MR. MORRIS: Oh, no. I made the complaint
22 to the Judiciary Committee for lawyer's conduct before.

23 SENATOR MARTIN: I see.

24 MR. MORRIS: Right. Yeah. And when he was
25 supposedly, allegedly been called to be a witness, that's

1 when I came to the judges --

2 SENATOR MARTIN: I got you.

3 MR. MORRIS: -- because of the --

4 SENATOR MARTIN: I got you. Thank you so
5 much.

6 MR. MORRIS: Right.

7 REPRESENTATIVE CLEMMONS: Are there any
8 other questions for Mr. Martin? Do you have anything
9 further to add, Mr. Martin?

10 MR. MORRIS: "Morris."

11 REPRESENTATIVE CLEMMONS: Morris. I'm
12 sorry. You're Martin, right?

13 SENATOR MARTIN: Yeah.

14 REPRESENTATIVE CLEMMONS: Mr. Morris, do you
15 have anything further to add, Mr. Morris?

16 MR. MORRIS: No, sir.

17 REPRESENTATIVE CLEMMONS: Mr. Morris, I
18 thank you for being here, today, and for sharing this
19 information with us. We will certainly include it in our
20 deliberations.

21 MR. MORRIS: Thank you very much.

22 REPRESENTATIVE CLEMMONS: Thank you.

23 MR. MORRIS: Do you want me to hang around?

24 REPRESENTATIVE CLEMMONS: You certainly have
25 that right, sir, if you'd like.

1 MR. MORRIS: Okay.

2 REPRESENTATIVE CLEMMONS: You may leave if
3 you'd like, sir. But you're welcome to stay, if you'd
4 like.

5 MR. MORRIS: All right. Thank you.

6 REPRESENTATIVE CLEMMONS: Yes, sir. Thank
7 you. Mr. Goldin?

8 MR. GOLDIN: Thank you, Mr. Chairman. I
9 would like to note that the Lowcountry Citizens Committee
10 did find Judge Sanders qualified in the criteria,
11 constitutional qualifications, physical health, and mental
12 stability, and well qualified in the criteria of ethical
13 fitness, professional and academic ability, character,
14 reputation, experience, and judicial temperament.

15 I would also like to note that any concerns
16 raised during his screening were incorporated into today's
17 hearing.

18 And I have no further questions.

19 REPRESENTATIVE CLEMMONS: Thank you, Mr.
20 Goldin. Members of the Commission?

21 SENATOR MARTIN: I just have one question.

22 REPRESENTATIVE CLEMMONS: Senator Martin.

23 EXAMINATION BY SENATOR MARTIN:

24 **Q. Judge, do you ever -- have you ever been assigned**
25 **to sit as a circuit judge?**

1 A. No, I have not. They usually just do the -- the
2 full-time magistrate's get assigned.

3 Q. That's right. The part-time, they don't do that.

4 A. No.

5 Q. Okay. Thank you.

6 REPRESENTATIVE CLEMMONS: Senator Malloy?

7 SENATOR MALLOY: Thank you, Mr. Chairman.

8 EXAMINATION BY SENATOR MALLOY:

9 Q. Judge, how long have you been a Master-in-Equity
10 now?

11 A. Since 1992.

12 Q. '92.

13 A. '92.

14 Q. Okay. And this is just going down the line of
15 things of something we're trying to work on over here: Have
16 you -- have you done partition actions and actions to quiet
17 title --

18 A. Yes.

19 Q. -- in your -- in your court?

20 A. Yes. That's a lot of the work we do with
21 foreclosures.

22 Q. How many times, if you know on a -- sort of a
23 percentage basis, how many times are they being sold to
24 just the highest bidder as opposed to, you know, getting
25 partition? I mean, how many times do they work it out? Or

1 **how many times are they just sold to the highest bidder?**

2 A. More times than not, they work it out unless it's
3 truly -- the property in the -- and the heirs aren't
4 interested in it. 'Cause, you know, you're familiar with
5 the process where, you know, the defendants can now, you
6 know, purchase the property if they have the money.

7 Q. And I think that's the -- that's the thing -- one
8 of the things that the former senator from Jasper did here
9 -- and something that I'm interested in too -- is to see
10 how masters-in-equity handle partition cases, and whether
11 or not that they're trying to sort through it and make the
12 stay into the hands of the -- of the -- of the family, if
13 you will, or -- or -- or the heirs from the family. I'm
14 trying to see --

15 A. Right.

16 Q. -- make certain that there's not a process that
17 is quick where they -- or partition it and get it -- put it
18 up for sale to the highest bidder. 'Cause we know how
19 those quitclaim deeds and those kind of things work.

20 A. Right. We -- of course, we following the
21 legislation that y'all have concerning giving the -- the
22 non-petitioning parties the rights to purchase the
23 property. I understand -- I think there is legislation
24 that's revising all of that, pending now, isn't it?

25 Q. Yes, sir. And that's -- I was going to ask you

1 about it. Have you been following that? Or have you been

2 --

3 A. Not --

4 Q. -- to that proceeding --

5 A. -- not very closely.

6 Q. -- as we go along?

7 A. But I have seen it.

8 Q. I'm just curious if you think that -- that it
9 would be helpful to have a separate procedure to assist
10 you, as a Master-in-Equity, with a -- these kinds of
11 matters as it relates to heirs' property? Or do you think
12 that, that would make the process more convoluted, make it
13 more confusing. Do you think it would be helpful to end up
14 having that in your court?

15 A. I don't -- I don't think it would hurt. I don't
16 know if it would help or not.

17 Q. And your county is Allendale?

18 A. Yes. Allendale.

19 Q. It's a pretty rural county?

20 A. Very rural, yes.

21 Q. And you see a -- do you see a lot of -- do you
22 see a lot of partition actions, 'cause you have larger
23 tracts of land, it's easier to end up having division?

24 A. We see it -- a right good bit of it. But the
25 land that -- you know, we're -- we're very rural, but we're

1 very poor, also. So not like Jasper and Beaufort, where,
2 you know, investors are trying to buy the property, and
3 that's where they run into the problem with the heirs.

4 Q. And so in doing so, in your activities as a
5 Master -- and there is times for a hearing to occur --

6 A. Right.

7 Q. -- do you do that from your office? Or do the
8 clerk assist you for doing that? Or how is it done?

9 A. I usually will do it from my office, depending on
10 the -- how many people are going to be involved. Most of
11 the things that I hear are default matters. So it's
12 usually not a whole bunch of parties. But if there -- if
13 it's more than a few parties, then if it's very contested,
14 I will use the courthouse.

15 Q. Now, how often does that happen? If you did it
16 on a percentage basis, do you -- if you went --

17 A. Five percent.

18 Q. From using the courthouse, you say five percent.

19 A. Five percent, yeah.

20 Q. And about how many matters do you hear on a
21 yearly basis with you being a part-time Master-in-Equity,
22 and -- and part-time lawyer?

23 A. Probably, in Allendale, fifty cases.

24 Q. Okay. Now, when you start dealing with people
25 you talk about rural communities and people that are -- are

1 more impoverished. How often -- do you require them to get
2 an appraiser in matters that were being dealt -- having
3 costs associated with the property?

4 A. Well, I have not actually had to do that. But
5 there is an appraisal process, but only it's requested, we
6 don't do it.

7 Q. So, generally, when you're -- you're -- in your
8 activity as a magistrate, you have the parties that
9 normally agree upon the valuation?

10 A. Yes.

11 Q. Okay. And you -- so you've never had the parties
12 in your 23 years to -- to request an appraisal on the
13 outside?

14 A. No.

15 Q. No? Really?

16 A. No.

17 Q. And so -- so what do they use? Do they use the
18 tax assessed value? Or how do they agree upon it? Do you
19 know?

20 A. Well, they'll -- they'll usually get the
21 independent appraisers that -- you know, if that -- that's
22 an issue.

23 Q. So I'm asking who -- how many times have you
24 gotten appraisers?

25 A. Oh, you mean where they've done it? Probably a

1 handful.

2 Q. And who -- who pays for the appraisers?

3 A. The parties.

4 Q. The parties. And so my concern is, is that for
5 the people that are --

6 A. Right.

7 Q. -- challenged financially, they get -- they have
8 -- probably that their families can work for, I just want
9 to make sure that our masters have a compassion and -- and
10 some sensitivity to that. Because, you know, throughout
11 history, we have a little -- a little bit of a history in
12 our state of people that have their forefathers and parents
13 that worked for property, and they lose it --

14 A. Right. Right.

15 Q. -- in these situations. And I just want to make
16 certain, do you see a lot of --

17 A. I don't see a lot of problems. But we do have
18 the authority to -- you know, to charge the appraiser to
19 whoever we want to as far as the parties.

20 Q. Okay. And how -- and how many times do you think
21 the outside appraiser has been used, percentage-wise? Do
22 you say five percent? Or was that something -- is that a
23 different question?

24 A. Probably five percent. And that's on the high
25 side.

1 Q. It's on the high side?

2 A. Yeah.

3 Q. How many local appraisers do you got in your
4 area?

5 A. In our area?

6 Q. Yes, sir.

7 A. Two or three.

8 Q. Two or three?

9 A. We just don't have -- you know, most of the
10 appraise -- you know, would have to come from either --
11 would come from Aiken or Orangeburg or Charleston or --

12 Q. Well, thank you. And I appreciate you answering
13 the questions, and just let -- let you know that we have a
14 concern for that. Do you -- do you have an opinion, or do
15 you believe that there is a -- in your way of handling
16 things, that you try to lean one way or the other? Do you
17 try to keep the property with the heirs? Or do you -- how
18 do you --

19 A. No, I -- I'm supposed to be impartial.

20 Q. I understand.

21 A. But I don't --

22 Q. Impartial as to --

23 A. Yeah, but I do have a sense of -- you know, of
24 the -- these heirs, a lot of them, you know, want to keep
25 their property. And I --

1 Q. Well, we know that. And sometimes there's
2 someone that comes in, they get a quitclaim deed from
3 somebody that's wherever, they come in and they file a
4 partition --

5 A. Right.

6 Q. -- and get the property sold. And I'm trying to
7 make certain that we give these folks time and --

8 A. Right.

9 Q. -- the ability and the effort so that we don't
10 end up forcing a quick -- having a quick sale without
11 everybody being advised of their rights --

12 A. Right.

13 Q. -- and those kind of things. And we don't
14 continue to end up losing property from poor people that
15 were going out to some people that's -- that are so
16 inclined to end up paying for their property.

17 A. And most of the time, these parties are not
18 represented. So I do -- I won't say I bend over backwards,
19 but I do give a lot of deference to the fact that they're
20 pro se and don't have an attorney. So I give them a lot
21 more leeway, you know. If they're -- if they're trying to
22 hold onto the property, I'll try to work with them.

23 Q. So that -- and so that -- that begs my next
24 question: Then if they don't -- if they are pro se, do you
25 -- in these areas, do give them the opportunity to get a

1 lawyer? Do you freely grant the things that you do have in
2 your discretion, which is continuances, to end up going and
3 get a lawyer so they don't --

4 A. Right.

5 Q. -- lose their family property?

6 A. Oh, yeah. If they -- if they want a lawyer.
7 Yeah, and I usually recommend that they do. But most of
8 the time, they don't want to, you know, spend the money for
9 a lawyer. Or they don't have it to. And that's more the
10 case than not wanting to hire a lawyer, that they can't
11 afford to hire a lawyer.

12 Q. Okay. And that's --

13 A. And I would, yeah --

14 Q. Makes it even more of a -- I would encourage you,
15 as we go forward, though, we're going to try to tackle this
16 in the coming years, that heirs property -- that you and
17 other masters-in-equity spread the word that we got some
18 folks that really are sensitive to that area.

19 REPRESENTATIVE CLEMMONS: Thank you, Senator
20 Malloy. Mr. Hitchcock is recognized.

21 MR. HITCHCOCK: Thank you, Mr. Chairman. I
22 just have one question.

23 EXAMINATION BY MR. HITCHCOCK:

24 Q. Judge, I noticed that whenever Mr. Morris
25 testified, and when you came back up, and the -- and the

1 Chairman asked you if wanted to respond, you asked, "Do I
2 need to respond?" And I just wanted to -- that kind of
3 stuck with me. I just wanted to give you a little -- an
4 opportunity, if you can give me some context as to why you
5 would ask if you needed to respond. I mean, given the --
6 you know, what was -- given the accusation.

7 A. Well, because it was a -- it was a matter that's
8 really something that y'all are not concerned with. It was
9 more of a -- in my private practice, you know.

10 Q. Well, Judge, I mean, it's -- it's our
11 responsibility -- there's a -- to judge your character and
12 fitness for the -- for the bench.

13 A. Right.

14 Q. And that encompasses every -- every part of your
15 -- of your legal career, whether the actions -- I mean,
16 most of the -- the -- you know, the folks that come here,
17 that have never been judges, and are applying for seats and
18 they're attorneys -- they're just simply attorneys applying
19 for judicial seats, I mean, we -- we look into -- I mean,
20 everything that they've done has been in their private
21 practice. And that's how we judge their -- their -- their
22 -- you know, whether or not they're qualified. So -- you
23 know, and there's -- I think that the implications of what
24 -- I'm not in any way saying whether or not I -- you know,
25 give weight one way or the other to his accusations. But I

1 think the -- the accusations or the -- the -- the
2 implication of what he said certainly is something that
3 could be for us to -- to consider, and something that we
4 take very serious, especially, you know, given the -- the
5 effort that Mr. Morris put into appearing before us today.

6 And a -- so like I said, I just wanted to give
7 you some -- an opportunity to respond. But I would submit
8 that every part of you being an attorney is certainly with
9 the purview of this Commission to investigate, to determine
10 how it reflects on --

11 A. Right.

12 Q. -- our perception of whether or not you're
13 qualified to be a judge.

14 REPRESENTATIVE CLEMMONS: Mr. Hitchcock --

15 JUDGE SANDERS: Do you want me to respond?

16 REPRESENTATIVE CLEMMONS: Certainly.

17 JUDGE SANDERS: Well, one reason I didn't
18 want to is because what -- a lot of what he said was just
19 not true. And all that is being tried in the probate court
20 now. The facts as he relayed them are not -- were nowhere
21 near what actually happened.

22 REPRESENTATIVE CLEMMONS: Senator Malloy?

23 SENATOR MALLOY: Do you -- yes, sir, Mr.
24 Chairman.

25 RE-EXAMINATION BY SENATOR MALLOY:

1 **Q. Do you have attorney representation in the**
2 **disciplinary matter?**

3 A. No.

4 **Q. You're handling it yourself?**

5 A. Well, they -- they -- they're still investigating
6 it. They're not to the point where they --

7 **Q. That's a matter of choice. I understand that.**
8 **But you -- but you filed your initial response.**

9 A. Oh, yeah. Oh, yeah.

10 **Q. So you don't have an attorney, is my question.**

11 A. No.

12 **Q. Okay.**

13 REPRESENTATIVE CLEMMONS: Any other
14 questions or comments?

15 (No response.)

16 REPRESENTATIVE CLEMMONS: Hearing none,
17 Judge Sanders, thank you for being with us today. That
18 concludes this portion of the screening process.

19 As you know, the record will remain open
20 until the report is published. And you may be called back
21 at such time, if that need should arise.

22 We thank you, again, for offering and for
23 your service to South Carolina on the bench. Thank you,
24 sir.

25 THE WITNESS: Thank y'all.

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(Candidate excused.)

SENATOR MARTIN: Is that the last one?

REPRESENTATIVE CLEMMONS: Yes. Motion for executive session?

SENATOR MARTIN: Motion so moved.

REPRESENTATIVE CLEMMONS: So ordered. We are in executive session. Please secure the room.

(Off-the-record executive session.)

REPRESENTATIVE CLEMMONS: Ladies and Gentleman, we are back on the record, having risen from executive session, wherein, we discussed qualifications. No votes were taken and no decisions were made.

We are now considering what candidates that we've reviewed this afternoon are qualified and nominated. For the record, we have -- we have screened William J. Wylie, Jr., Family Court, 1st Judicial Circuit, Seat 2; Nancy Chapman McLin, Family Court, 1st Judicial Circuit, Seat 3; Vicki J. Snelgrove, Family Court, 2nd Judicial Circuit, Seat 1; George Marion McFadden, Jr., Family Court, 3rd Judicial Circuit, Seat 1; Cely Anne Brigman, Family Court, 4th Judicial Circuit, Seat 1; Dorothy Mobley Jones, Family Court, 5th Judicial Circuit, Seat 1; Gwendlyne Young Jones, Family Court, 5th Judicial Circuit, Seat 4; Usha J. Bridges, Family Court, 7th Judicial Circuit, Seat 3; Daniel E. Martin, Jr., Family Court, 9th Judicial Circuit, Seat 1;

1 Jack Alan Landis, Family Court, 9th Judicial Circuit, Seat
2 6; Karen F. Ballenger, Family Court, 10th Judicial Circuit,
3 Seat 2; Alex Kinlaw, Jr., Family Court, 13th Judicial
4 Circuit, Seat 6; and Jerry Deese Vinson, Jr., Family Court,
5 12th Judicial Circuit, Seat 3.

6 With regard to those -- those judges who
7 would -- who are seeking reelection, do we have a motion?

8 MS. DEAN: The judges that you just named?

9 REPRESENTATIVE CLEMMONS: The judges I just
10 named.

11 SENATOR CAMPSSEN: Well, move to find them
12 qualified and nominated.

13 REPRESENTATIVE CLEMMONS: We have a motion -
14 -

15 MS. WALL: Second.

16 REPRESENTATIVE CLEMMONS: -- to find them
17 qualified and nominated by Senator Campsen, as seconded by
18 Ms. Wall. All those in favor of such, please raise your
19 hand.

20 (At this time the members raise their hands.)

21 REPRESENTATIVE CLEMMONS: Those opposed,
22 raise your hand.

23 (No response.)

24 REPRESENTATIVE CLEMMONS: By acclamation,
25 the list, as I just published in the public record, are all

1 found qualified and -- and are hereby nominated.

2 We will reopen the hearing of The Honorable
3 Walter H. Sanders, Jr., Master-in-Equity for Allendale
4 County, 14th Judicial Circuit.

5 SENATOR MALLOY: If we could go into
6 executive session.

7 REPRESENTATIVE CLEMMONS: Are you making
8 that motion, Senator?

9 SENATOR MALLOY: Yeah. I move that we go
10 into executive session to address possible financial --

11 REPRESENTATIVE CLEMMONS: Upon arrival of
12 the candidate.

13 SENATOR MALLOY: Upon arrival of the
14 candidate.

15 REPRESENTATIVE CLEMMONS: Thank you.

16 (Off the record for Judge Sanders return to the
17 proceedings.)

18 REPRESENTATIVE CLEMMONS: Thank you for
19 coming back again, Judge. If you'd please come to the
20 podium. We have just ordered that we go into executive
21 session on the motion of Senator Malloy. And we are in
22 executive session.

23 (Off-the-record executive session.)

24 REPRESENTATIVE CLEMMONS: We have risen from
25 executive session, and are back on the record. We were in

1 executive session for the purpose of further discussing
2 qualifications of Judge Sanders. And the purpose of that
3 now having been accomplished, we are back on the record
4 with no votes having been taken and no decision made in
5 executive session. Mr. Sanders is excused from the -- from
6 the hearing.

7 (Candidate excused.)

8 SENATOR MARTIN: Did we find him nominated
9 and qualified?

10 REPRESENTATIVE CLEMMONS: What is the
11 pleasure of the Commission? We -- based upon what staff
12 has researched --

13 SENATOR MARTIN: He's nominated.

14 REPRESENTATIVE CLEMMONS: We don't nominate.
15 We just find him qualified.

16 SENATOR MARTIN: He's qualified.

17 REPRESENTATIVE CLEMMONS: For Masters-in-
18 Equity -- for Masters-in-Equity, we do not nominate. We
19 just find them qualified.

20 MR. WILCOX: Mr. Chairman, for purposes of
21 the discussion, I would make a motion to find him qualified
22 for reappointment.

23 REPRESENTATIVE BANNISTER: Second.

24 REPRESENTATIVE CLEMMONS: We have a motion
25 by Dean, and a second by Mr. Bannister. Any discussion?

1 (No response.)

2 REPRESENTATIVE CLEMMONS: Hearing none --

3 MR. WILCOX: Well, let me -- the follow-up,
4 I think that based on the complaint that was presented,
5 there is perhaps an indication that he may have
6 misunderstood the relevant law regarding conflicts. It
7 seems to be a -- we have evidence of one incident of that,
8 and it's one in which he responded immediately by recusing
9 himself from any further participation in the matter. And
10 so based on that, I don't find there to be sufficient
11 grounds to find him disqualified under the purposes of
12 character, if that be the category. So that's the purpose
13 for my motion.

14 REPRESENTATIVE CLEMMONS: Okay. Any further
15 discussion? Any further discussion?

16 (No response.)

17 REPRESENTATIVE CLEMMONS: Hearing none,
18 those in favor of finding Judge Walter H. Sanders, Jr.,
19 Master-in-Equity for Allendale County 14th Circuit,
20 qualified, please raise your hand.

21 (The members raise their hands.)

22 REPRESENTATIVE CLEMMONS: By acclamation,
23 Judge Sanders is found qualified for reelection as Master-
24 in-Equity for Allendale County -- for reappointment --
25 excuse me -- is found qualified for reappointment as

1 Master-in-Equity of Allendale -- for Allendale County, 14th
2 Circuit.

3 And to clarify the record, the executive
4 session that we just arose from was not for the purpose of
5 discussing qualifications, it was for the purpose of asking
6 the candidate with regard to financial matters. Again, no
7 votes were taken, no decisions were made during that
8 executive session.

9 The purpose for which this meeting was
10 convened today having been accomplished, we have a motion
11 to adjourn by Senator Bannister. And it is so ordered
12 until nine o'clock tomorrow morning.

13 We are off the record.

14 (There being nothing further, the proceedings
15 concluded at 7:33 p.m.)

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CERTIFICATE OF REPORTER

I, PATRICIA G. BACHAND, COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, DO HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT CONSISTING OF 325 PAGES IS A TRUE, ACCURATE, AND COMPLETE RECORD TO THE BEST OF MY SKILL AND ABILITY.

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